# TABLE OF CONTENTS

# IV2339926

# INVESTIGATIVE SUMMARY

# COUNTY OF LOS ANGELES
# SHERIFF'S DEPARTMENT

## ADMINISTRATIVE
## INVESTIGATIVE SUMMARY
## #IV2339926

**Subject:** Deputy Ryan Morejon [redacted]

**Date:** April 15, 2013

**Location:** [redacted] East Cresthill Drive
Anaheim Hills CA, 92807

**<u>OVERVIEW</u>**

This case pertains to an allegation of providing false statements to Anaheim police officers against Deputy Ryan Morejon who was assigned to the Inmate Reception Center (IRC) during the time of the incident. On April 15, 2013, Deputy Morejon was identified as the passenger of a vehicle driven by Deputy [redacted]. Both off-duty deputies were detained during the course of a traffic collision and DUI investigation. It is alleged that while being detained, Deputy Morejon did not cooperate with Anaheim police officers by giving false statements pertaining to the incident.

Deputy Cisneros was subsequently arrested for DUI, and Hit and Run. IAB conducted an administrative investigation regarding Deputy [redacted] arrest, under case IV2333123.

On May 16, 2013, the Orange County District Attorney filed one count of 31 CVC (Providing False Information to a Peace Officer) against Deputy Morejon (refer to **Exhibit A, pages 61-63**). On May 12, 2014, Deputy Morejon pled guilty to one count of 148(a)(1) PC (Delaying a Peace Officer) and was sentenced to three years of summary probation, monetary fines, and 80 hours of community service (refer to court minutes, case # 13NM06865, **Exhibit C).**

Based upon the incident, an administrative investigation was initiated.

## INVESTIGATION

Sergeant Diez obtained an Anaheim Police Department (APD) Traffic Collision report under file #13-50767 (refer to **Exhibit A – pages 1-15**). The report was authored by APD Officer [redacted] who documented the traffic collision, on April 15, 2013, at 0200 hours. The collision occurred at [redacted], in the city of [redacted]. Deputy [redacted] was the driver, and Deputy Ryan Morejon [redacted] was the passenger of the vehicle. The 2012 Mazda Speed 3, collided into a cinderblock wall and two vehicles (2000 Toyota, 4 Runner and 1987 Ford, F250) parked in the driveway of the above location (refer to damage pictures, **Exhibit B**).

Based on the police report, APD officers arrived at the location and observed there was no one at the scene of the collision. Officer [redacted] observed an open garage door one house west of the collision, located at [redacted] (residence of Deputy Morejon). Officers [redacted] and [redacted] went to the house and knocked on the door. Deputy Morejon answered the door as Deputy Cisneros stood behind him. They both exited the residence and identified themselves as Los Angeles County Sheriff's Deputies. Deputy Morejon advised they were intoxicated stating, "We're both duce."

Deputy Morejon told the officers the vehicle belonged to Deputy [redacted] (referring to Deputy [redacted]. Deputy [redacted] added his [redacted] was in Huntington Beach. Deputy Morejon told the officers that [redacted] had given the car keys to someone else and they didn't know the location of that person. Deputy Morejon further stated they had been at the Canyon Inn (bar) and had taken a taxi cab home. Officers [redacted] and [redacted] separated Deputies [redacted] and Morejon to question them regarding the incident.

Officer [redacted] detained Deputy Morejon near the sidewalk. Officer [redacted] told Deputy Morejon that he and Deputy [redacted] were "playing games," and this was his chance to tell the truth. Officer [redacted] asked Deputy Morejon if he had been a passenger in the vehicle at the time of the collision. Deputy Morejon replied, "No." Officer [redacted] explained to Deputy Morejon that providing false information to a peace officer was a crime, 31 CVC. Officer [redacted] pointed to the garage where Deputy [redacted] was being questioned by Officer [redacted] and stated, "If he tells me you were the passenger, you're screwed." Deputy Morejon took a step away from Officer [redacted]. Officer [redacted] told him to stop. Deputy Morejon said loudly, "John." Officer [redacted] told Deputy Morejon to come back, but Deputy Morejon did not turn around. Deputy Morejon instead loudly stated, "John, I'm not the passenger."

Officer [redacted] arrived at the scene and detained Deputy Morejon while Officer [redacted] interviewed Deputy [redacted]. Deputy [redacted] admitted driving and stated he was on his way to Deputy Morejon's house prior to the collision. Deputy

[redacted] said he was not injured, and he had stopped drinking at 0130 or 0145 hours. He stated Deputy Morejon had been ahead of him in a taxi cab, while he (Deputy [redacted]) followed. Officer [redacted] re-contacted Deputy Morejon for questioning. Deputy Morejon said he had been inside his garage and Deputy [redacted] stood on his driveway at the time of the collision. After the collision, they checked the vehicle and saw no one was inside. After Officer [redacted] warned Deputy Morejon about giving false statements, Deputy Morejon maintained he did not want to change any of his answers.

Officer [redacted] told Deputy Morejon that it was against the law to lie and asked if he was lying. Deputy Morejon denied lying and acknowledged that Officer [redacted] had given him a chance to tell the truth. Officer [redacted] directly accused Deputy Morejon of lying, and told him he was not acting like someone who had been wrongly accused. Officer [redacted] informed Deputy Morejon that Deputy [redacted] had told the truth. He ended the interview and released Deputy Morejon who went inside his house.

Later, Deputy Morejon exited his home, approached his neighbor (Witness [redacted], and began talking about the collision. Officer [redacted] who was standing nearby, interrupted the conversation and told Deputy Morejon, "That's not what you told me." Deputy Morejon and the officer then argued back and forth. Officer [redacted] asked Deputy Morejon how he got home and Deputy Morejon replied he had taken a taxi and Deputy [redacted] followed in his vehicle. Deputy Morejon was not questioned any further.

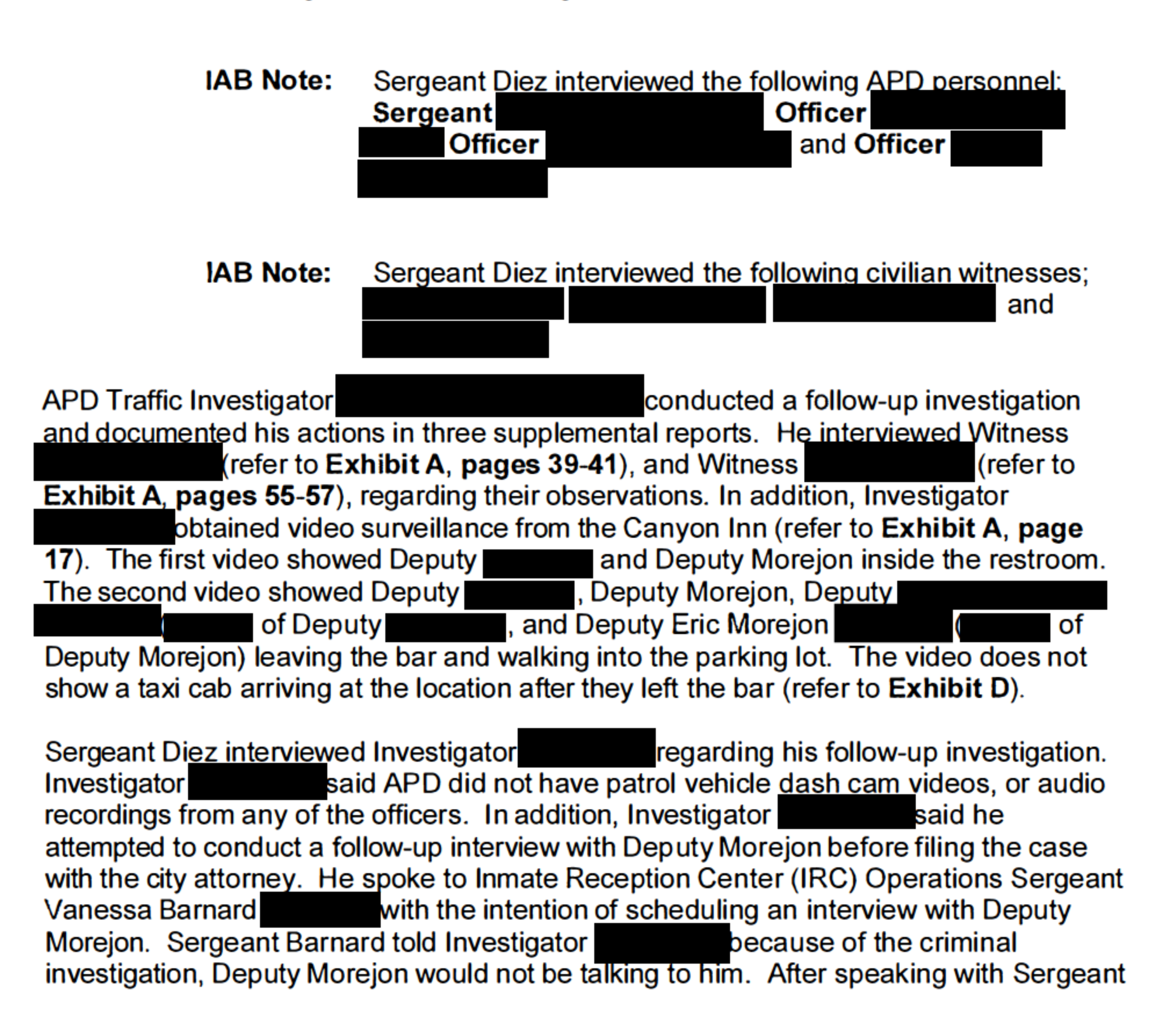
Deputy [redacted] was subsequently arrested for 23152(a) CVC (Driving Under the Influence) and 23152(b) CVC (Driving Under the Influence – .08% or more) by Officer [redacted] under file #13-50767 (refer to **Exhibit A, pages 19-30**). On May 24, 2013, the Orange County District Attorney filed five misdemeanor counts; 23152(a) CVC (Driving Under the Influence), 23152(b) CVC (Driving Under the Influence - over .08%), 31 CVC (Providing False Information to a Peace Officer), and 20002 (a) CVC (Hit and Run), against Deputy [redacted]. On May 29, 2014, Deputy [redacted] plead guilty to one count of 23152(b) CVC, and nolo contendere (no contest) to 20002(a) CVC. He was sentenced to three years of summary probation, monetary fines, and a six month alcohol education program.

**IAB Note:** IAB conducted an administrative investigation regarding Deputy [redacted] DUI arrest, under case IV2333123.

Deputy Morejon was not arrested. Officer [redacted] documented Deputy Morejon's actions and statements in the Traffic Collision report and recommended a charge of 31 CVC, Providing False Information to a Peace Officer. On May 16, 2013, one count of 31 CVC was filed against Deputy Morejon in the Superior Court of California, County of Orange, North Justice Center (refer to **Exhibit A, pages 61-63**).

Deputy Morejon's case was set for jury trial on May 12, 2014. Prior to the trial commencing, on May 12, 2014, Deputy Morejon pled guilty to one count of 148(a)(1) PC, Obstruct/Delay a Peace Officer – Misdemeanor, with the count of 31 CVC being dismissed. He was sentenced to three years informal probation, ordered to pay several fines, and complete 80 hours of community service by November 12, 2014 (refer to court minutes, **Exhibit C)**.

Sergeant Diez identified several civilians and APD officers who witnessed the incident. Sergeant Diez interviewed the below listed witnesses to determine if anyone could substantiate Deputy Morejon's actions and behavior documented in APD Officer [redacted] Traffic Collision report. All of the witnesses observed Deputy Morejon actions and/or behavior during various times throughout the incident.



**IAB Note:** Sergeant Diez interviewed the following APD personnel; **Sergeant** [redacted] **Officer** [redacted] **Officer** [redacted] and **Officer** [redacted]

**IAB Note:** Sergeant Diez interviewed the following civilian witnesses; [redacted] [redacted] [redacted] and [redacted]

APD Traffic Investigator [redacted] conducted a follow-up investigation and documented his actions in three supplemental reports. He interviewed Witness [redacted] (refer to **Exhibit A**, **pages 39-41**), and Witness [redacted] (refer to **Exhibit A**, **pages 55-57**), regarding their observations. In addition, Investigator [redacted] obtained video surveillance from the Canyon Inn (refer to **Exhibit A**, **page 17**). The first video showed Deputy [redacted] and Deputy Morejon inside the restroom. The second video showed Deputy [redacted], Deputy Morejon, Deputy [redacted] ([redacted] of Deputy [redacted], and Deputy Eric Morejon [redacted] ([redacted] of Deputy Morejon) leaving the bar and walking into the parking lot. The video does not show a taxi cab arriving at the location after they left the bar (refer to **Exhibit D**).

Sergeant Diez interviewed Investigator [redacted] regarding his follow-up investigation. Investigator [redacted] said APD did not have patrol vehicle dash cam videos, or audio recordings from any of the officers. In addition, Investigator [redacted] said he attempted to conduct a follow-up interview with Deputy Morejon before filing the case with the city attorney. He spoke to Inmate Reception Center (IRC) Operations Sergeant Vanessa Barnard [redacted] with the intention of scheduling an interview with Deputy Morejon. Sergeant Barnard told Investigator [redacted] because of the criminal investigation, Deputy Morejon would not be talking to him. After speaking with Sergeant

Barnard, Investigator [redacted] documented the conversation in his notes. Investigator [redacted] provided Sergeant Diez with his notes which indicated, "Sgt. Bernard [redacted] No statement per capt" (refer to **Exhibit E**).

Sergeant Diez interviewed Sergeant Barnard and IRC Operations Lieutenant Kelly Porowski [redacted] regarding their contact with APD Investigator [redacted] Sergeant Barnard said she had several telephone conversations with APD Investigator [redacted] However, she never told Investigator [redacted] that Deputy Morejon would not be giving a statement. Lieutenant Porowski said she never told Investigator [redacted] that Deputy Morejon would not be giving a statement. However, she did tell Deputy Morejon that APD wanted to interview him.

Sergeant Diez determined [redacted] of Deputy Morejon, was at her residence during the incident. Sergeant Diez attempted to contact her to determine if she had witnessed the incident and/or the actions of Deputies Morejon and [redacted] On July 8, 2014, Sergeant Diez sent [redacted] a Witness Contact Letter via certified US mail (refer to **Miscellaneous Documents**). She did not contact Sergeant Diez for an interview.

## WITNESS INTERVIEWS

### Anaheim Police Officer [redacted]

On June 20, 2014, Sergeant Diez conducted a telephone interview with Officer [redacted] The following is a summary of that interview.

Officer [redacted] was dispatched to the location and provided security while Officers [redacted] and [redacted] conducted their investigation. He was present while Deputy [redacted] and Deputy Morejon were being questioned by Officers [redacted] and [redacted] He only heard parts of the conversations. Officer [redacted] estimated it took 15 to 20 minutes of questioning Deputies [redacted] and Morejon before his officers determined who was driving the vehicle.

For the complete interview of Officer [redacted] refer to the verbatim transcription attached to the end of this investigative summary.

### Anaheim Police Officer [redacted]

On June 20, 2014, Sergeant Diez conducted a telephone interview with Officer [redacted] The following is a summary of that interview.

Officer [redacted] was dispatched to the incident and authored the DUI arrest report involving Deputy [redacted]. He said Deputies Morejon and [redacted] initially indicated

they weren't involved in the collision. Officer [redacted] estimated it took 5 to 10 minutes of questioning Deputy [redacted] and Deputy Morejon before they determined who was driving the vehicle.

For the complete interview of Officer [redacted] refer to the verbatim transcription attached to the end of this investigative summary.

**Anaheim Police Officer [redacted]**

On June 22, 2014, Sergeant Diez conducted a telephone interview with Officer [redacted] The following is a summary of that interview.

Officer [redacted] did not provide any details of the incident beyond what he documented in his Traffic Collision report. Officer [redacted] stated the main reason did not arrest Deputy Morejon the night of the incident because he felt the City Attorney should make the decision due to his (Deputy Morejon) peace officer status. Furthermore, Officer [redacted] said he did not want to write the report at the end of his shift, and wanted additional time to document the incident properly.

For the complete interview of Officer [redacted] refer to the verbatim transcription attached to the end of this investigative summary.

**Anaheim Police Traffic Investigator [redacted]**

On June 25, 2014, Sergeant Diez conducted a telephone interview with Investigator [redacted] The following is a summary of that interview.

Investigator [redacted] stated he conducted a follow-up investigation to Officer [redacted] first report. He called IRC [redacted] to schedule an interview with Deputy Morejon. Sometime within the first week of May 2013, he spoke to Sergeant Barnard who identified herself as Deputy Morejon's supervisor. Sergeant Barnard advised because of the criminal investigation, the captain (referring to IRC Captain Chuck Antuna [redacted] could not order Deputy Morejon to talk with him and therefore Deputy Morejon would not be talking to him. Investigator [redacted] documented in his notes, "No statement per capt". As such, he did not interview Deputy Morejon. Investigator [redacted] did not attempt to contact Deputy Morejon directly.

For the complete interview of Investigator [redacted] refer to the verbatim transcription attached to the end of this investigative summary.

**Anaheim Police Sergeant [redacted]**

On June 26, 2014, Sergeant Diez conducted a telephone interview with Sergeant [redacted] The following is a summary of that interview.

Sergeant [redacted] was dispatched to the incident after one of the officers requested a supervisor because they were detaining off-duty deputies. He provided security at the location while the officers conducted their investigation. He only heard parts of the conversations. Sergeant [redacted] heard Deputy Morejon deny being in the crash. Deputy Morejon initially said two other deputies were in the car, and they were all coming back from the Canyon Inn. Deputy Morejon was uncooperative and wouldn't answer their questions. Deputy Morejon was intoxicated. However, he was not belligerent, rude, or confrontational. Sergeant [redacted] estimated it took 30 to 45 minutes of questioning Deputy [redacted] and Deputy Morejon before his officers were able to determine what occurred.

Sergeant [redacted] said he removed a bag containing a LASD gun and badge from the vehicle Deputy [redacted] was driving. Deputy [redacted] asked Sergeant [redacted] to leave the bag with Deputy Morejon. Sergeant [redacted] agreed, and released the bag to Deputy Morejon and his [redacted].

> **IAB Note:** The bag that Sergeant [redacted] removed from the vehicle contained Deputy [redacted] ([redacted] Deputy [redacted]) LASD badge and firearm. The vehicle belonged to Deputy [redacted] and was registered to him.

For the complete interview of Sergeant [redacted] refer to the verbatim transcription attached to the end of this investigative summary.

**Witness [redacted]**

On June 25, 2014, Sergeant Diez conducted a telephone interview with [redacted] The following is a summary of that interview.

Mr. [redacted] resides across the street from the incident. He was awake inside his residence when he heard a loud boom. He turned off his porch light and stepped onto his porch. He saw two individuals (referring to Deputies [redacted] and Morejon) who appeared agitated. Deputy [redacted] stated he "fucked up." Deputy Morejon was trying to calm him down and replied, "Listen we got to get our stories straight. You've got to say this. You've got to say that about what we were doing." Mr. [redacted] said the males were planning a story, but he only heard "bits and pieces." A female (apparently referring to [redacted] exited Deputy Morejon's residence and told them to quiet

down. She then escorted them inside. The police arrived five minutes later at which time Mr. [redacted] directed them to Deputy Morejon's residence.

For the complete interview of [redacted] refer to the verbatim transcription attached to the end of this investigative summary.

**Witness [redacted]**

On June 25, 2014, Sergeant Diez conducted a telephone interview with [redacted] The following is a summary of that interview.

Mrs. [redacted] resides at the location where the incident occurred. Her neighbor (referring to Witness [redacted] called and said there had been an accident in her driveway. Mrs. [redacted] went outside and saw the vehicles in her driveway were damaged. She saw Deputy Morejon speaking with one of the officers, but could not hear the conversation. When they were finished, Deputy Morejon approached her and spoke about the incident.

Deputy Morejon told Mrs. [redacted] he had been home all day and night barbequing and drinking in his garage. Mrs. [redacted] believed this was untrue because his house had been dark all night appearing as if nobody was home. Deputy Morejon continued stating his friend (referring to Deputy [redacted] had called him from the bar and wanted to crash at his house. Deputy Morejon told Mrs. [redacted] that he had not been in the car. Mrs. [redacted] said while speaking to Deputy Morejon about the accident the officer (referring to Officer [redacted] stood by listening.

Officer [redacted] approached them and pulled Deputy Morejon aside. She overheard the officer state, "That's not what you told me." Deputy Morejon and the officer argued back and forth. There was a discrepancy with the story Deputy Morejon had told her (Mrs. [redacted], and the earlier story he had apparently told the officer. They argued for five or ten minutes.

Ms. [redacted] described Deputy Morejon as animated and extremely intoxicated. He had glass and white powder on his back, and his odor was "bad." While speaking with the officer, Deputy Morejon tried to get to the garage. The officer stepped in front of Deputy Morejon a couple of times to stop him from walking away. Mrs. [redacted] said Deputy Morejon was not cooperative with the police. He was argumentative and completely uncooperative. A couple days after the incident, Deputy Morejon and his wife came to Mrs. [redacted] house to apologize. While doing so, Mrs. [redacted] noticed he had a black eye. She thought that was odd because Deputy Morejon had stated he had not been inside the vehicle.

For the complete interview of [redacted] refer to the verbatim transcription attached to the end of this investigative summary.

**Witness** [redacted]

On June 25, 2014, Sergeant Diez conducted a telephone interview with [redacted] The following is a summary of that interview.
Ms. [redacted] residence is adjacent to the location where the incident occurred. She had been sleeping inside her residence and woke up to what sounded to be a massive impact. She looked out her window and saw two individuals (referring to Deputies [redacted] and Morejon) yelling at each other, near a vehicle. Ms. [redacted] heard them yelling and thought they were drunk or on drugs because of their slurred speech. She did not hear exactly what they were saying. The two males then walked away from the vehicle. When the police came, they (referring to Deputies [redacted] and Morejon) were nowhere to be found.

For the complete interview of [redacted] refer to the verbatim transcription attached to the end of this investigative summary.

**Deputy** [redacted]

On June 30, 2014, Sergeant Diez and Lieutenant Carter interviewed Deputy [redacted] at Internal Affairs Bureau. The following is a summary of the interview.

Deputy [redacted] said Deputy Morejon was a passenger in his vehicle when they left the bar. After the collision, he and Deputy Morejon did not argue or raise their voices. Deputy [redacted] was scared and Deputy Morejon tried to calm him down. Deputy [redacted] said Deputy Morejon never told him that he would take care of things as alleged. They discussed the accident for a minute or two prior to walking into Deputy Morejon's house.

The police arrived 10 to 15 minutes later. Deputy Morejon identified themselves as deputies and told the officers they were both under the influence of alcohol. The officers separated and questioned them. While Deputy Morejon was being detained by Officer [redacted] Deputy Morejon tried to get his (Deputy [redacted]) attention and said, "Was I driving the car?" Deputy [redacted] denied that Deputy Morejon stated, "John, I'm not the passenger." Deputy [redacted] never saw Deputy Morejon step away from Officer [redacted] toward his (Deputy [redacted]) direction. Deputy [redacted] estimated the officers questioned him for less than five minutes before he (Deputy [redacted]) told them the truth that he was driving the vehicle.

For the complete interview of Deputy [redacted] refer to the verbatim transcription attached to the end of this investigative summary.

**Sergeant Vanessa Barnard** [redacted]

On July 9, 2014, Sergeant Diez and Lieutenant Carter interviewed Sergeant Barnard at Internal Affairs Bureau. The following is a summary of the interview.

Sergeant Barnard said at the time of the incident she knew that APD had detained Deputy Morejon at the scene and wanted to speak to him. She had several telephone conversations with APD Investigator [redacted] regarding Deputy Morejon, but she did not recall what they spoke about. She did not remember whether or not Investigator [redacted] asked her to have Deputy Morejon come to APD for an interview. Sergeant Barnard said she never told Investigator [redacted] that Deputy Morejon would not be giving a statement. She never heard anyone give Deputy Morejon advice on whether or not he should interview with APD. Sergeant Barnard stated Lieutenant Porowski handled Deputy Morejon's case because of its criminal and high profile nature. As such, Lieutenant Porowski had the majority of the contact with APD Investigator [redacted]

For the complete interview of Sergeant Barnard, refer to the verbatim transcription attached to the end of this investigative summary.

**Lieutenant Kelly Porowski** [redacted]

On July 14, 2014, Sergeant Diez and Lieutenant Carter interviewed Lieutenant Porowski at Internal Affairs Bureau. The following is a summary of the interview.

Lieutenant Porowski stated at the time, she knew APD wanted to interview Deputy Morejon regarding the incident. She recalled a general conversation inside IRC Operations regarding an interview, but could not remember who was involved. Lieutenant Porowski said several weeks after the incident, she told Deputy Morejon that APD wanted to interview him, but never gave Deputy Morejon any advice on whether or not he should interview with APD. Lastly, Lieutenant Porowski stated there was a consensus of IRC supervisors that they could not order an employee to provide a statement on a criminal matter.

For the complete interview of Lieutenant Porowski, refer to the verbatim transcription attached to the end of this investigative summary.

## SUBJECT INTERVIEW

**Deputy Ryan Morejon** [redacted]

On June 30, 2014, Sergeant Diez and Lieutenant Carter interviewed Deputy Morejon at Internal Affairs Bureau. The following is a summary of the interview.

Deputy Morejon got the night off work to mourn the death of Deputy [redacted]. Deputy [redacted] picked up Deputy Morejon from his house and they went to the Canyon Inn bar. They arrived between 2200 and 2300 hours and met with Deputy [redacted] (brother of [redacted]), Deputy [redacted] of Ryan Morejon), and two unknown females. Deputy Morejon drank three to five shots, and two pitchers of beer. He did not recall what Deputy [redacted] had to drink. At approximately 0200 hours they left the bar and drove to his residence. Deputy [redacted] drove [redacted] vehicle (referring to a 2013 Mazda, 3 Speed) and he was the passenger. Deputy Morejon said the night was "very in-and-out" and there were certain things that he recalled and certain things that he could not remember. Deputy Morejon said he was too intoxicated to drive. He did not recall Deputy [redacted] level of impairment and was not in the state of mind to determine if Deputy [redacted] was ok to drive.

After the collision, he exited the vehicle believing it was on fire. While standing next to the vehicle, he and Deputy [redacted] did not argue, yell, or raise their voices. He never told Deputy [redacted] he would "take care of things." Deputy Morejon realized the accident occurred near his residence. They stood near the accident for approximately one minute before deciding to go inside his home. He vomited for five minutes inside his residence before notifying his wife who was sleeping. Deputy Morejon said he never left the scene of the collision. They were still in the "general area" inside his residence and did not have any intentions of avoiding the police. Deputy Morejon said he and Deputy [redacted] did not discuss the incident prior to the arrival of the police.

Anaheim Police knocked on his door where he spoke with the officers. While giving the officers his identification, he identified himself and Deputy [redacted] as off-duty deputies and advised they were drunk. They walked outside to speak with the officers. He did not tell the officers that Deputy [redacted] had given the car keys to someone else and didn't know where this person was at, as alleged in the police report.

The officers separated him from Deputy [redacted] Officer [redacted] asked who was driving the vehicle. Deputy Morejon replied he was not driving the car, and there were only two people inside the car. Officer [redacted] asked if he was in the car? Deputy Morejon told him he was not driving the car. Officer [redacted] never asked if he was a passenger in the car.

Officer [redacted] told Deputy Morejon that he thought he was "playing games" with him. At that point, Officer [redacted] walked over to Deputy [redacted] and spoke to him. After doing so, he came back to Deputy Morejon and called him a liar. While speaking with Officer [redacted] Deputy Morejon turned around toward Deputy [redacted] and made a gesture to him as if he was not driving the car. He never stepped away from Officer [redacted] while trying to get Deputy [redacted] attention. Furthermore, he never yelled, "John I'm not the passenger." Officer [redacted] released Deputy Morejon, at which time

he went inside his residence. He came back outside and spoke to Mr. and Mrs. [redacted] regarding the incident. Deputy Morejon did not recall Officer [redacted] re-approaching him while he talked to Mr. and Mrs. [redacted]

Sergeant Diez presented Deputy Morejon with the surveillance video from the Canyon Inn. Deputy Morejon stated he knew there was video surveillance at the bar. However, he had not viewed the video prior to the interview. He reviewed the two surveillance videos which included two different camera angles. He identified Deputy [redacted] and Deputy [redacted] who were inside the men's restroom. Additionally, he identified Deputy [redacted] Deputy [redacted] Deputy [redacted], and himself, outside the bar in the parking lot.

Deputy Morejon said as a result of the collision, he sustained a cut below his left eye, bumps and bruises, pain to his right hand, and glass on his shirt. Deputy Morejon said he was cooperative with the officers and he answered all their questions to the best of his knowledge. He estimated that he was questioned by officers for about five minutes. He left his firearm at home and did not take it to the bar. However, he did have his LASD identification with him while at the bar.

Deputy Morejon said he was never notified by any IRC supervisor that APD Investigator [redacted] wanted to interview him regarding the indent. In addition, he was unaware that Anaheim Police wanted to interview him after the incident to obtain an additional statement. Lastly, Deputy Morejon stated after the incident he authored a memo documenting the incident, and notified his sergeant and operations lieutenant. However, they told him the memo was not needed because he made verbal notification. As such, he never submitted the memo.

**IAB Note:** On July 17, 2014, Sergeant Diez contacted Deputy Morejon's attorney (Deborah Wadleigh from "Green & Shinee") who stated Deputy Morejon no longer had the memo that he authored after the incident.

For the complete interview of Deputy Morejon, refer to the verbatim transcription attached to the end of this investigative summary.



# County of Los Angeles
## Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



Jim McDonnell, Sheriff

February 19, 2015

Deputy Ryan Morejon, #[redacted]

Dear Deputy Morejon: **AMENDED**

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, *with this Department, effective the close of business March 9, 2015.*

The investigation under IAB File Number IV2339926, conducted by the Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/040.76, Obstructing An Investigation/Influencing a Witness; and/or 3-01/030.05, General Behavior, on or about April 15, 2013, you, while off duty, made false and misleading statements to the Anaheim Police Department during an investigation into a traffic collision in which you were the passenger and [redacted] was the driver, denying any involvement in the traffic collision, thereby delaying and obstructing the investigation, causing embarrassment to the Department, and bringing discredit upon yourself and the Department, as evidenced by, but not limited to the following:

   a. Stating that the owner of the vehicle involved in the traffic collision had given the car keys to someone else, and that you and Cisneros had taken a cab home, and/or;

   b. When later asked if you and [redacted] had taken the cab together, responding that [redacted] was "behind" you, and/or;

c. When asked if you had been the passenger in the vehicle at the time of the collision, stating, "No," and/or;

d. When asked where you had been at the time of the collision, replying that you had been in your garage, and when asked where [redacted] had been, stating that [redacted] had been on the driveway, and/or;

e. Stating that after the collision occurred, you and [redacted] went to the vehicle and saw that there was no one inside, and/or;

f. Being subsequently charged with violating Section 31 of the Vehicle Code, Giving False Information to a Peace Officer, and/or;

g. Pleading guilty to Penal Code Section 148(a)(1), Delaying a Peace Officer, on May 12, 2014, in Orange County Superior Court, and being sentenced to three (3) years informal probation, and being ordered to complete eighty (80) hours of community service, and pay fines and fees.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure To Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about June 30, 2014, you failed to make complete and truthful statements during your IAB interview, regarding your interactions with Anaheim Police Department officers during their investigation into a traffic collision in which you were the passenger and [redacted] was the driver, which occurred on or about April 15, 2013, as evidenced by, but not limited to the following:

   a. Denying that you told an Anaheim Police Department officer that you had taken a cab home; and/or that you and [redacted] had taken a cab home, and/or;

   b. Stating during your IAB interview that you communicated to an Anaheim Police Department officer that you and [redacted] were inside the vehicle at the time of the traffic collision, and/or;

   c. Denying that you told an Anaheim Police Department officer that you were inside your garage and [redacted] was standing in the driveway at the time of the traffic collision.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Assistant Sheriff Terri McDonald, on March 9, 2015, at 1100 hours, in his office, which is located at 450 South Bauchet Street, Suite E811, Los Angeles California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to March 6, 2015, for your oral response, please call Assistant Sheriff McDonald's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Assistant Sheriff McDonald's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Assistant Sheriff McDonald's office by no later than March 9, 2015.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Donnie L. Mauldin, Captain
Internal Affairs Bureau

DLM:TM:jmr

cc: Advocacy Unit
Employee Relations Unit
Terri McDonald, Assistant Sheriff
Internal Affairs Bureau
(File # IV2339926)



# CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES



January 18, 2017

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***RYAN MOREJON*** *for a hearing on his* ***discharge****, effective March 12, 2015, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 15-91**.

The Civil Service Commission, at its meeting held on January 11, 2017 approved findings in the above-entitled case. The petitioner's objections were overruled.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Lawrence D. Crocker
Executive Director

Enclosure

c: Ryan Morejon
Amy Johnson
Vincent McGowan
Trudi Ferguson

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

| | |
|---|---|
| *In the matter of the **discharge**, effective March 12, 2015, from the position of Deputy Sheriff, Sheriff's Department, of*<br><br>**RYAN MOREJON**<br>**(Case No. 15-91)** | ORDER OF THE CIVIL SERVICE COMMISSION |

On January 11, 2017, the Civil Service Commission of the County of Los Angeles over-ruled the Petitioner's objections. The Commission adopted as its final decision, the findings and recommendation of the Hearing Officer, Trudi Ferguson, to sustain the Department.

Dated this 18th day of January, 2017.

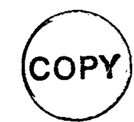
Z. GREG KAHWAJIAN, President

DENNIS F. HERNANDEZ, Member

NAOMI NIGHTINGALE, Member

STEVEN AFRIAT, Member

JOHN DONNER, Member




LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

| | |
|---|---|
| In the matter of<br>RYAN MOREJON<br><br>Appellant<br>v.s.<br><br>COUNTY OF LOS ANGELES<br>SHERIFF'S DEPARTMENT<br><br>Respondent | PROPOSED FINDING OF FACT,<br>CONCLUSIONS OF LAW, AND<br>RECOMMENDATIONS<br><br>Case No. 15-91 |



## APPEARANCES

For the Appellant: Amanda Waters
Richard Shinee
Green & Shinee
16055 Ventura Blvd Suite 1000
Encino, Ca. 91436-2680

For the Respondent: Vincent McGowan
Hausman & Sosa LLP
18757 Burbank Blvd Suite 306
Tarzana Ca 91356-6329

Hearing Officer: Trudi Ferguson

Hearing Dates: November 19, December 3 and December 8, 2015; and April 5, 12, 14, 19, 28, 2016.

## ISSUES

1. Are the allegations contained in the Department's letter of discharge, March 18, 2015, true?

2. If any or all of the allegations are true, is the discipline appropriate?

The Commission granted the Petitioner's request to certify an additional issue on May 25, 2016/

3. Did the Department violate the Petitioner's pre=deprivation due process (Skelly) rights as alleged?

4. If so, what is the appropriate remedy?

## EXHIBITS

**See Appendix A:** listing Department's Exhibits 1 through 32, and Appellant's Exhibits A through Y.

## BACKGROUND

The Appellant, Ryan Morejon, was notified by the Sheriff's Department of his discharge, effective March 12, 2015, from his position of Deputy Sheriff.

The basis of this discharge was an off duty incident of April 15, 2013 in which Appellant was a passenger in his friend and fellow Deputy Sheriff, [redacted] car, which was involved in a bad accident. They were both intoxicated and, as a result of the accident his friend was arrested for a DUI. Anaheim Police were called to the scene and during the investigation they contacted Appellant who allegedly failed to cooperate with the investigation, made false and misleading statements, delayed and obstructed the investigation. Appellant allegedly denied he was a passenger in the car, stated he took a cab home from a bar instead of driving in the car, was intoxicated, claimed he had been in his garage at the time of the incident, that he went to the car after the collision and saw there was no one inside, yelled to his friend that he was not in the car, was heard by a neighbor saying to [redacted] they had to get their stories straight, told other

neighbors he was in his garage all day and had nothing to do with the accident, pleaded guilty to Penal Code Section 148 (a) (1); and additionally made false or incomplete statements during his I.A.B. interview, denying he told an Anaheim Police officer he had taken a cab home, or that he had been in the garage at the time of the accident, and stated he and [redacted] were inside the car at the time of the accident.

All this was in violation of Manual of Policy and Procedures Sections 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/040.76, Obstructing An Investigation/Influencing a Witness; and/or 3-01/030.05, General Behavior, on or about April 15, 2013, causing embarrassment to the Department, and bringing discredit upon himself and the Department. Additionally Appellant allegedly violated Department's Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about June 30, 2014, failed to make complete and truthful statements during his I.A.B. interview, regarding his interactions with Anaheim Police Department officers during their investigation into the traffic collision in which he was the passenger and [redacted] was the driver, which occurred on or about April 15, 2013.

Appellant began his employment with the Department December 5, 2007 at the Inmate Reception Center, his only unit of assignment. He had received Outstanding and Very Good Performance Evaluations and commendations. (See Appellant's Exhibit #A and B.) Appellant had one prior written reprimand from February 26, 2013 in which Appellant failed to properly secure an inmate's personal property resulting in a civil claim filed against the Department. The warning cited violating Manual of Policy and Procedures: Safeguarding Money, Property, and

Evidence and; Performance of Standards. The warning was dated August 11, 2014. (See Department's Exhibit 17 Written Reprimand.)

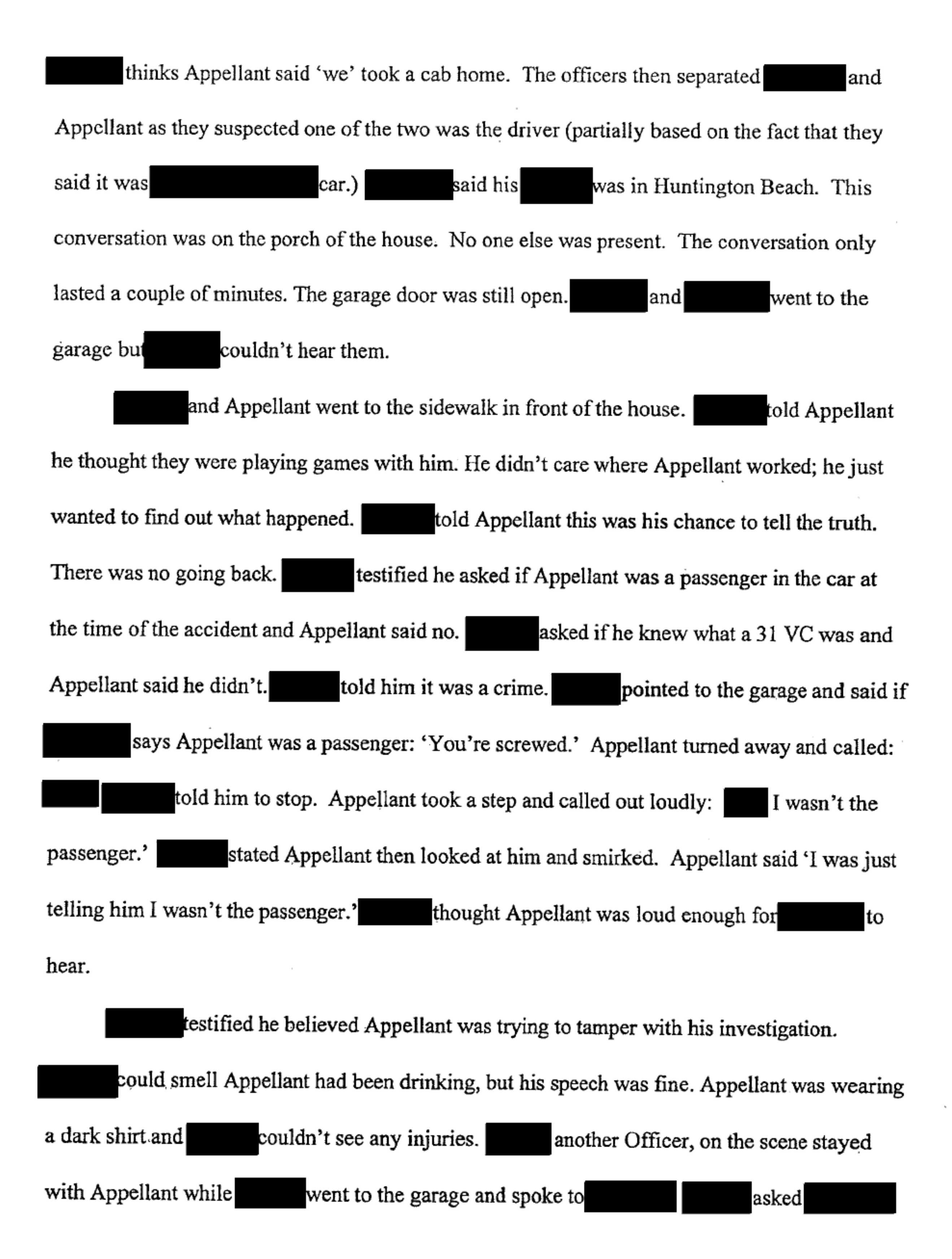
Appellant and [redacted] had been given the night off to grieve the recent suicide death of a fellow Sheriff/friend. They had been at two bars drinking until about 2 a.m. Appellant was a passenger, asleep, in fellow Deputy [redacted] car when they left the bar and drove to Appellant's house. [redacted] crashed the car in front of Appellant's house damaging two vehicles of Appellant's neighbor, jumping a fence, flipping the car, air bags deploying, destroying a rose garden and part of the fence, as well as totaling [redacted] car. Appellant had been trapped in the car and couldn't get the seat belt off. Appellant admitted to investigating Anaheim police offers they were both 'deuced,' claims he answered questions to the best of his ability at the time of interview, and said he didn't totally remember. He argues he is being made an example and that the Anaheim officer had a self-righteous desire to get Appellant fired. He does not dispute that he had been drinking. But, he was not driving, rather he was a passenger asleep while his friend drove, that he was shaken, confused, and nauseous from the accident, that his first priority was to reassure his wife and baby in the house after the loud crash. Appellant's position is he told Anaheim police he was in the car, that he was not trying to 'get his story straight' with this friend, that there might have been confusion or miscommunication as a result of the drinking and he thought Anaheim police were asking if he was the driver to which he said no, that he did not lie to his neighbor (who might have had a prior resentment over an issue with their dogs) and that he was consistent during his I.A.B. investigation. Additionally Appellant testified he wrote a memo regarding this incident and gave it to his Sergeant the day after the accident.

May 16, 2013, Orange County District Attorney filed one count of 31 CVC (Providing False Information to a Peace Officer) against Appellant and on May 12, 2014 Appellant plead guilty to one count of 148 (a) (1) (Delaying a Peace Officer (See Department's Exhibit #8.)

Appellant contends the Department didn't comply with procedural due process by failing to notify him of all the charges against him. In particular Appellant's problems with Brady credibility and his influence on his colleague [redacted] were not specifically given as reasons for his discharge nor was he given supporting materials. The Department affirms Appellant was properly noticed including allegations of violations of General Behavior, Obstructing and Investigation, Making False Statements, lying, which encompassed Appellant's credibility as a future witness and implied issues with Brady.

**EVIDENCE**

[redacted] Anaheim Police Officer for over twenty years, worked in Traffic Detail as a Collision Investigator since 1999 and has investigated over 6000 traffic cases. He was working overtime patrol the night of April 15, 2013 about 2:30 a.m. He was called to [redacted] pulled into the cul du sac, and saw two cars parked in the driveway. Officer [redacted] was already standing by the crashed car. [redacted] told [redacted] the garage door at Appellant's house, one house west of the collision was open and there was light on. They knocked on Appellant's door. [redacted] testified Appellant and [redacted] opened the door. The officers asked about the crashed car. Appellant said they were both Sheriffs. [redacted] testified they said the car belonged to [redacted] and that [redacted] gave the keys to someone else and they didn't know where that person was. They had been at Canyon Inn and taken a cab home.



[redacted] thinks Appellant said 'we' took a cab home. The officers then separated [redacted] and Appellant as they suspected one of the two was the driver (partially based on the fact that they said it was [redacted] car.) [redacted] said his [redacted] was in Huntington Beach. This conversation was on the porch of the house. No one else was present. The conversation only lasted a couple of minutes. The garage door was still open. [redacted] and [redacted] went to the garage but [redacted] couldn't hear them.

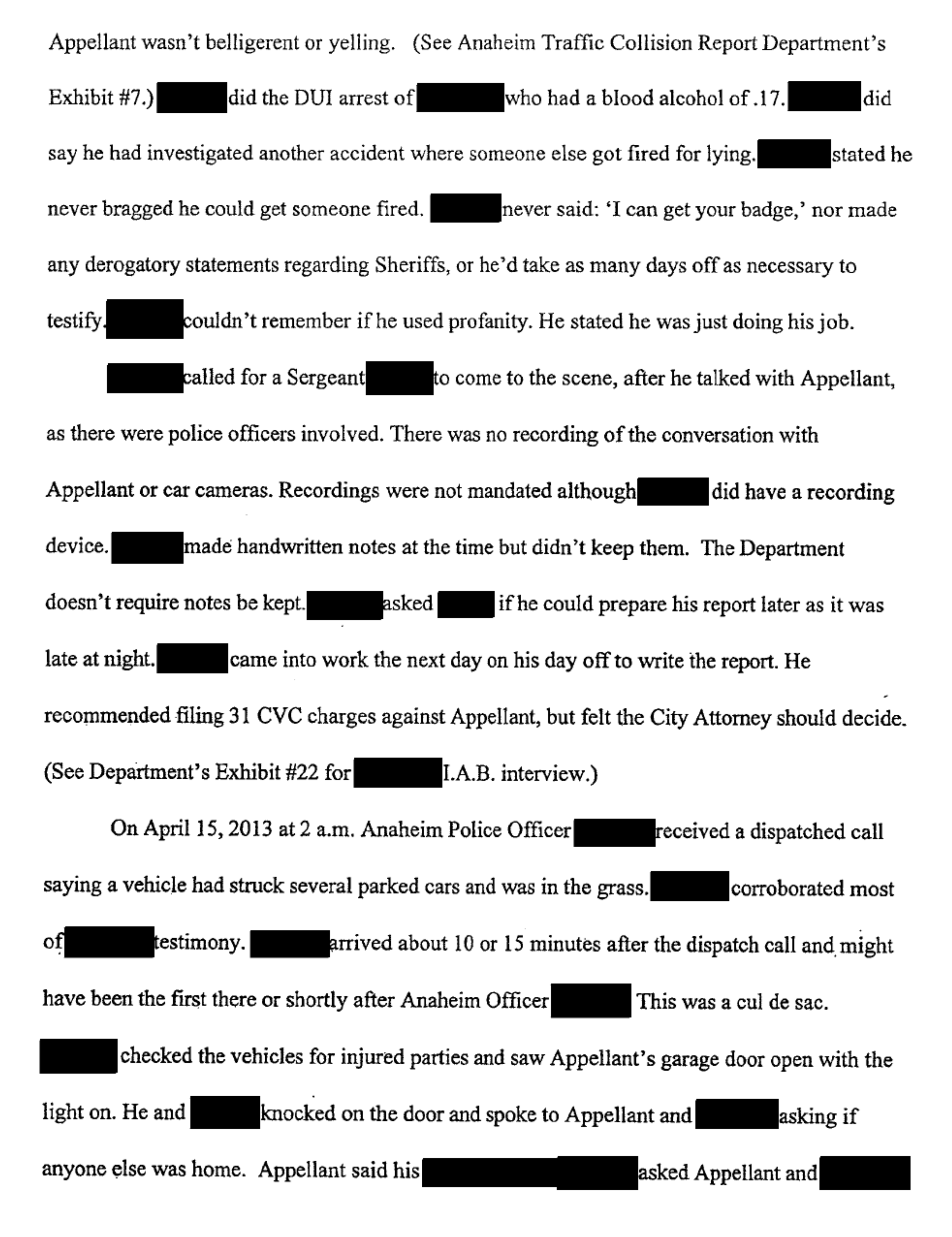
[redacted] and Appellant went to the sidewalk in front of the house. [redacted] told Appellant he thought they were playing games with him. He didn't care where Appellant worked; he just wanted to find out what happened. [redacted] told Appellant this was his chance to tell the truth. There was no going back. [redacted] testified he asked if Appellant was a passenger in the car at the time of the accident and Appellant said no. [redacted] asked if he knew what a 31 VC was and Appellant said he didn't. [redacted] told him it was a crime. [redacted] pointed to the garage and said if [redacted] says Appellant was a passenger: 'You're screwed.' Appellant turned away and called: [redacted] [redacted] told him to stop. Appellant took a step and called out loudly: [redacted] I wasn't the passenger.' [redacted] stated Appellant then looked at him and smirked. Appellant said 'I was just telling him I wasn't the passenger.' [redacted] thought Appellant was loud enough for [redacted] to hear.

[redacted] testified he believed Appellant was trying to tamper with his investigation. [redacted] could smell Appellant had been drinking, but his speech was fine. Appellant was wearing a dark shirt and [redacted] couldn't see any injuries. [redacted] another Officer, on the scene stayed with Appellant while [redacted] went to the garage and spoke to [redacted] [redacted] asked [redacted]

if he was the driver. [redacted] said they had taken a cab. [redacted] said he'd been at Canyon Inn and the bartender called the cab. [redacted] asked how they paid for the drinks and [redacted] said they spent about $45 on his debit card. [redacted] wrote the debit card # and said police careers could end on lies. With [redacted] present [redacted] had [redacted] take his shirt off and saw fresh abrasions on the left side of his neck, which [redacted] stated he had seen many times. [redacted] had marks, abrasions, and blood on his left leg and left forearm like from an air bag. [redacted] then told [redacted] the air bag blew up and he was the driver. [redacted] said it was time to tell the truth. [redacted] asked if he could speak to Appellant. [redacted] said no. Then [redacted] said he was driving East on [redacted] and popped the clutch and crashed. [redacted] asked where the car key was and [redacted] said it was still in the ignition. [redacted] had the odor of alcohol. [redacted] didn't remember his physical condition or speech.

[redacted] went back to Appellant on the sidewalk with Officer [redacted] He told Appellant to sit on the curb. He doesn't remember Appellant saying it was wet as Appellant's alleges. [redacted] asked where Appellant was standing when the crash happened. Appellant said he was in the garage and [redacted] was in the driveway. [redacted] again asked if he knew it was a crime to lie. Appellant said yes. [redacted] asked if Appellant wanted to change anything and he said no. [redacted] called him a liar. [redacted] wasn't angry with anyone after [redacted] got arrested. [redacted] asked Appellant how he got home. Appellant said he took a cab and [redacted] was in a cab behind him. Appellant said he and [redacted] had gone to the vehicle and it was empty.

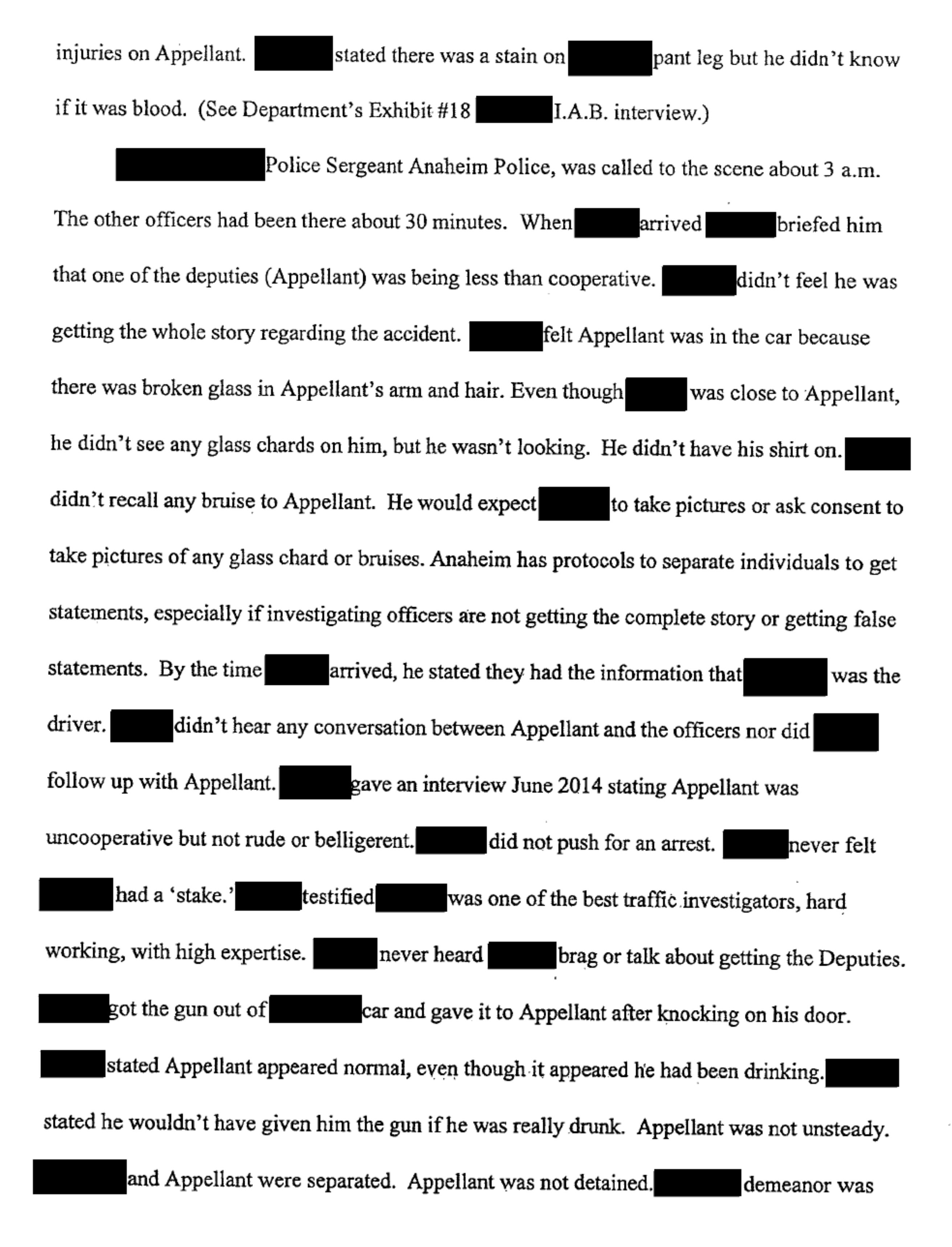
[redacted] took his measurements of the accident and wrote the collision report. Appellant wasn't arrested at the time as [redacted] felt the City Attorney should decide the case. [redacted] stated


Appellant wasn't belligerent or yelling. (See Anaheim Traffic Collision Report Department's Exhibit #7.) [redacted] did the DUI arrest of [redacted] who had a blood alcohol of .17. [redacted] did say he had investigated another accident where someone else got fired for lying. [redacted] stated he never bragged he could get someone fired. [redacted] never said: 'I can get your badge,' nor made any derogatory statements regarding Sheriffs, or he'd take as many days off as necessary to testify. [redacted] couldn't remember if he used profanity. He stated he was just doing his job.

[redacted] called for a Sergeant [redacted] to come to the scene, after he talked with Appellant, as there were police officers involved. There was no recording of the conversation with Appellant or car cameras. Recordings were not mandated although [redacted] did have a recording device. [redacted] made handwritten notes at the time but didn't keep them. The Department doesn't require notes be kept. [redacted] asked [redacted] if he could prepare his report later as it was late at night. [redacted] came into work the next day on his day off to write the report. He recommended filing 31 CVC charges against Appellant, but felt the City Attorney should decide. (See Department's Exhibit #22 for [redacted] I.A.B. interview.)

On April 15, 2013 at 2 a.m. Anaheim Police Officer [redacted] received a dispatched call saying a vehicle had struck several parked cars and was in the grass. [redacted] corroborated most of [redacted] testimony. [redacted] arrived about 10 or 15 minutes after the dispatch call and might have been the first there or shortly after Anaheim Officer [redacted] This was a cul de sac. [redacted] checked the vehicles for injured parties and saw Appellant's garage door open with the light on. He and [redacted] knocked on the door and spoke to Appellant and [redacted] asking if anyone else was home. Appellant said his [redacted] asked Appellant and [redacted]

to step outside. [redacted] asked if they knew who was involved in the accident and they said no. [redacted] doesn't recall exactly what was asked at the door or who said they were not involved. They separated Appellant and [redacted] to get independent statements. [redacted] walked to the garage with [redacted] was talking to Appellant about 20 feet away. [redacted] could see them part of the time but couldn't hear. [redacted] didn't observe Appellant being belligerent. The Sergeant arrived prior to completing the field sobriety test and shortly before they took [redacted] to detention. [redacted] didn't remember Appellant and [redacted] communicating. [redacted] got [redacted] name, where he worked, tattoos and asked was he involved in the accident. [redacted] said no and he didn't know who was involved. He stated he wasn't in the vehicle. When [redacted] asked about the tattoo, [redacted] raised his shirt and [redacted] saw a bruise where a seat belt would be. [redacted] told [redacted] he should think about his statement, as [redacted] believed there was some indication [redacted] was involved in the accident. When [redacted] came over [redacted] stepped away and couldn't hear. [redacted] then told [redacted] said he had been driving and asked if [redacted] could conduct a DUI. [redacted] did the DUI test and arrested [redacted] At some point [redacted] told [redacted] Appellant said he and [redacted] were not involved in the accident. [redacted] said he was going to document what Appellant said in his report but didn't indicate he was going to take any further action. [redacted] stated they could smell alcohol on Appellant and [redacted] but didn't observe poor balance. Appellant was polite and answered questions when he came out and spoke with them. Appellant didn't appear to be drunk confused or not understanding. There was no evidence Appellant was disoriented. [redacted] didn't look for



injuries on Appellant. [redacted] stated there was a stain on [redacted] pant leg but he didn't know if it was blood. (See Department's Exhibit #18 [redacted] I.A.B. interview.)

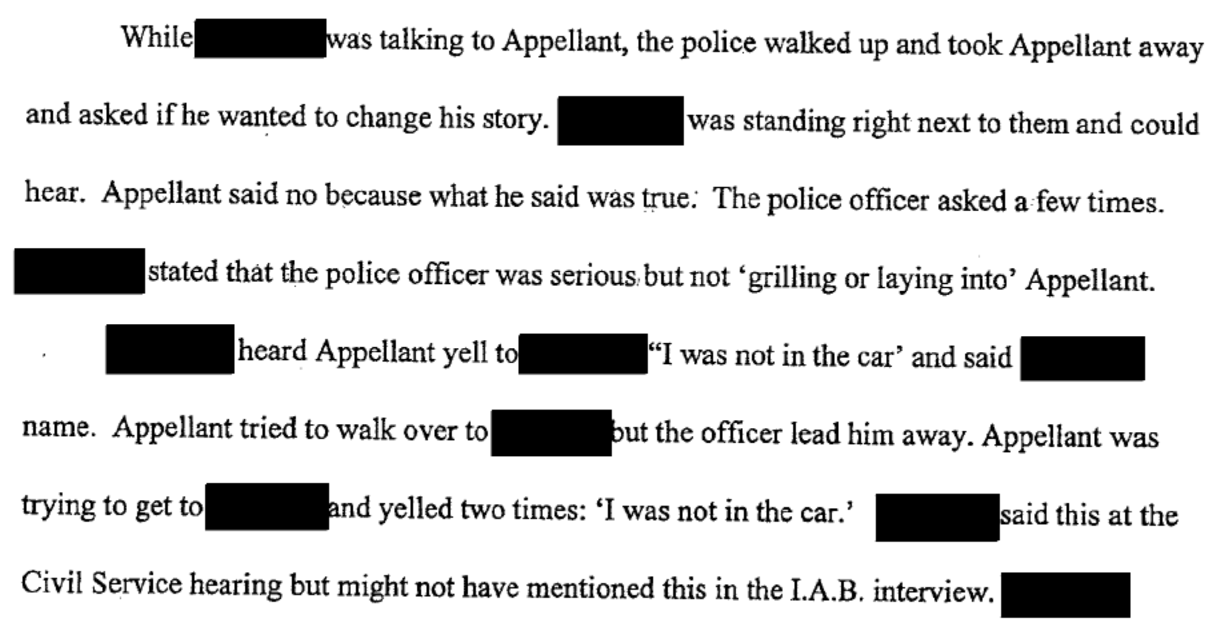
[redacted] Police Sergeant Anaheim Police, was called to the scene about 3 a.m. The other officers had been there about 30 minutes. When [redacted] arrived [redacted] briefed him that one of the deputies (Appellant) was being less than cooperative. [redacted] didn't feel he was getting the whole story regarding the accident. [redacted] felt Appellant was in the car because there was broken glass in Appellant's arm and hair. Even though [redacted] was close to Appellant, he didn't see any glass chards on him, but he wasn't looking. He didn't have his shirt on. [redacted] didn't recall any bruise to Appellant. He would expect [redacted] to take pictures or ask consent to take pictures of any glass chard or bruises. Anaheim has protocols to separate individuals to get statements, especially if investigating officers are not getting the complete story or getting false statements. By the time [redacted] arrived, he stated they had the information that [redacted] was the driver. [redacted] didn't hear any conversation between Appellant and the officers nor did [redacted] follow up with Appellant. [redacted] gave an interview June 2014 stating Appellant was uncooperative but not rude or belligerent. [redacted] did not push for an arrest. [redacted] never felt [redacted] had a 'stake.' [redacted] testified [redacted] was one of the best traffic investigators, hard working, with high expertise. [redacted] never heard [redacted] brag or talk about getting the Deputies. [redacted] got the gun out of [redacted] car and gave it to Appellant after knocking on his door. [redacted] stated Appellant appeared normal, even though it appeared he had been drinking. [redacted] stated he wouldn't have given him the gun if he was really drunk. Appellant was not unsteady. [redacted] and Appellant were separated. Appellant was not detained. [redacted] demeanor was

normal while a little frustrated but not angry. (See Department's Exhibit # 21 page 4 for [redacted] statement.)

[redacted] was a [redacted] who lived across the street from Appellant and vaguely recognized Appellant at the hearing. He testified he had seen Appellant but never spoken to him. [redacted] recognized Appellant at that time of the incident. [redacted] heard a loud noise the night of the incident like a firework boom and crackle. [redacted] was up watching T.V. or on the Internet about 2 to 2:30 a.m. He stepped on the porch after turning off the porch light. [redacted] stated he saw two individuals come out into the middle of the street, agitated and one saying: 'I F---- up.' He identified the two as Appellant and [redacted] Appellant tried to calm [redacted] down and said: 'You have to say you were coming to my house to spend the night.' And they had to get their 'stories straight.' Then a female came out and in a hushed voice said come in the house and told them to be quiet. [redacted] didn't know the woman. [redacted] was about 100 feet away and could hear them but couldn't hear everything. [redacted] talked to the Anaheim Police who said they would talk to Appellant, as it was the only garage open with a light. [redacted] didn't hear any conversation with Appellant or [redacted] and the police. June 26, 2014 [redacted] gave a statement to Detectives by phone, which lasted about 20 minutes. (See Department's Exhibit # 7 page 55, and Department's Exhibit # 20.)

[redacted] lived with her [redacted] She knew Appellant since about November 2012. On April 15, 2013 she heard a loud noise about 2 a.m. Her [redacted] called and suggested she come out saying something might have hit her fence. She walked out and observed the broken fence, glass, dirt, and both her and her [redacted] cars were

moved. She saw police in Appellant's garage with Appellant's garage door up. There was a crashed car on grass and her rose garden was gone. (See Department's Exhibit 13 for photos of damage.) [redacted] said Appellant approached her and said his friend had been at the bar and called to ask if he could crash at his house. He said his friend was responsible for the accident and was intoxicated. He said he had nothing to do with it and said he was home, in his garage, B-B-Qing, drinking by himself. [redacted] said she would have heard or smelled B-B-Q as she was home all day except between about 6 p.m. and 8 or 9 p.m. [redacted] testified Appellant's house was closed up and quiet with no evidence of any B-B Q. Appellant was adamant he was not in the car. He said he was sorry. [redacted] testified Appellant smelled of alcohol and stumbled, couldn't stand still, slurring, disheveled, with debris on his back. Although it was night she could see because there were bright streetlights, although it was dark where the crashed car landed.



While [redacted] was talking to Appellant, the police walked up and took Appellant away and asked if he wanted to change his story. [redacted] was standing right next to them and could hear. Appellant said no because what he said was true. The police officer asked a few times. [redacted] stated that the police officer was serious but not 'grilling or laying into' Appellant.

[redacted] heard Appellant yell to [redacted] "I was not in the car' and said [redacted] name. Appellant tried to walk over to [redacted] but the officer lead him away. Appellant was trying to get to [redacted] and yelled two times: 'I was not in the car.' [redacted] said this at the Civil Service hearing but might not have mentioned this in the I.A.B. interview. [redacted]

testified she also spoke with another neighbor, [redacted] who told her he saw the whole thing and heard Appellant and [redacted] talk about not being in the vehicle and then went into the house.

[redacted] and Appellant had some prior problems with their dogs fighting, a compromised fence, but [redacted] stated she was 'happy to let that go.' (See Department's Exhibit # 26 for [redacted] I.A.B. phone interview.)

Eric Parra, Chief for Custody Services Division, was the presenter at Appellant's Case Review. Parra testified he didn't remember all attendees at the Case Review but remembered, Chief David Fender, Commander Ralph Ornelas, Executive Officer Tyler, and two Assistant Sheriffs, I.A.B Investigating Officer, Diaz, Constitutional Policing Adviser, Diana Teran, Advocacy Representative, Wendy Sha. They had made up two disposition sheets in advance of the meeting after some preliminary discussion considering a 30-day suspension. (See Appellant's Exhibit # W the unsigned 30 day suspension disposition sheet.)

Parra didn't remember making a recommendation for discipline at this Case Review but testified his intent was to discuss the matter. Parra said he wanted to make sure both sides were clearly presented including mitigating factors, such as Appellant being intoxicated, therefore being slow in answering questions so creating possible misunderstandings questions and miscommunications, being upset over the suicide death of his friend. Parra didn't see [redacted] as biased. Parra testified he felt there was some confusion in listening to the tapes. Appellant had never previously lied. Parra also felt [redacted] might have gotten frustrated. Parra saw instances of misunderstanding. Appellant said he gave car keys to someone else, they took a cab home, said he was not a passenger, yelled to [redacted] he was not a passenger, said he was in the garage and

[redacted] was in the driveway when the crash occurred, said they looked inside the crashed car and no one was inside. Parra believed Appellant was untruthful and concluded Appellant delayed the investigation. Parra also testified Appellant was a great young man. Parra stated Sheriffs receive training in the Academy and on an on going basis with respect to off duty incidents and proper behavior. The Department expects employees to be fully cooperative. The Department doesn't want employees to have criminal convictions. Parra ultimately signed the disposition sheet for discharge (See Department's Exhibit #3.) If Parra disputed the disposition he could have refused to sign. Parra interjected his respect for Appellant's father whom he'd met about early 2000. They had contact on a daily basis.

Terri McDonald, Assistant Sheriff Custody since March 2013, is 3rd in rank to Jim McDonnell. Mc Donald has no training as a police officer. McDonald was the final decision maker in this case. Terri McDonald was asked by her supervisor, Executive Officer, Neal Tyler, to participate in this case as he was concerned Chief Parra was too close to Appellant's father. Tyler said some of the things Parra suggested for rationale didn't make sense. McDonald testified she reviewed the entire case, listened to the tapes, and made an independent decision, which was consistent with the Case Review.

McDonald testified the basis of her decision was finding two deputies drinking heavily, making inappropriate decisions with no plan to drive safely home, that Appellant got into a car with someone whom he could not determine had too much to drink, violated good judgment, demonstrated a pattern of poor decision making on the date of the incident, was involved in a significant car crash with severe damage to two cars and a fence, evidenced some collusion with

[redacted] didn't dial 911 or alert neighbors, left the scene of the accident, answered the door telling a dishonest story to Police Officer [redacted] saying he was not in the car and the car belonged to [redacted] and [redacted] gave his [redacted] the keys to his car. Appellant distracted and delayed when he should have assisted the investigation. Appellant and [redacted] had to be separated. The police officer had to try to determine who was driving. When [redacted] finally admitted to driving the car, Appellant continued to deny being a passenger. Appellant also told his neighbors he had been drinking all day in his garage and was not a passenger in the car. Mc Donald was aware that Appellant had been given time off that night by his supervisor due to a colleague's suicide, maybe two suicides. Appellant's action delayed the investigation maybe 15 to 20 minutes, but it is serious to have several police officers off their posts involved in this investigation. It is inconsistent with being a police officer. Additionally, Appellant continued to be disingenuous and lied to the I.A.B. investigator; he denied he initially told officers he was not in the car, he denied comments that they took a cab, or made comments to neighbors that he was not involved in the accident. (See Appellant's I.A.B. interview Department's Exhibit #6.) All this shows a lack of accountability. McDonald didn't believe Appellant was too intoxicated to tell the truth. Appellant says he wrote a memo regarding the incident but didn't keep a copy. There was no evidence of a memo. The Department can't employ peace officers that can't tell the truth. This was a major ethical failure. Brady rules dictate that peace officers tell the truth and are depended upon to tell the truth in court. Dishonesty also tarnishes the Department image and exposes these problems to other law enforcement agencies. Peace Officers have to be above reproach. Off duty conduct matters and Appellant's actions were inconsistent with Department's

core values. (See Department's Core Values Department's Exhibit #15. Page 2.) These patterns speak to not telling the truth in difficult circumstances.

McDonald testified she looked at disciplinary guidelines and determined this was a serious violation. (See Department's Exhibit # 5 Department's Manual of Policy and Procedures.) Although Appellant's employment history was overall good, with only one minor written reprimand, and one or two commendations, the Department has a zero tolerance policy for lying. McDonald was not aware of other cases of employees making false statements and not receiving discharge. Deputies get clear training in the academy and in training regarding the importance of truthfulness. An essential part of their jobs is the ability to testify which mandates trustworthiness.

Neal Tyler came back from retirement to serve as Interim Under Sheriff, Executive Officer. He testified that the disciplinary process has changed, and changed again when Sheriff Jim McDonnell was elected. McDonnell asked Tyler to make sure the disposition sheet for Appellant included his signature. Tyler recollected the following were present for Appellant's Case Review: Tyler, Richard Barrantes and Todd Rogers, Assistant Sheriffs, Chief Parra, a Commander (unknown), Constitutional Policing Advisor, Diana Teran, Wendy Sha, Advocate Attorney and maybe Alisia Ault, Captain from I.A.B. There was an approximately 40 minute presentation and discussion. The consensus, with the Assistant Sheriffs after the discussion, was for discharge. Terri McDonald was not present but Tyler reviewed the case with her.

After the Case Review Tyler asked Parra to come to his office. Parra seemed very emotional about this case and 2 Assistant Sheriffs felt Parra was uncharacteristically non-

objective in his presentation. In the case review he emphasized the mitigating factors. Parra said it was hard as he was a close friend of Appellant's father. Parra acknowledged he was emotionally conflicted having to present this case. Tyler thought they should consider removing Parra as decision maker in this case. McDonald was over the Division of Appellant and knew the case so became the decision maker for the Skelly.

Tyler stated it is hard for Appellant to retain the public trust due to violating the standard of honesty. Appellant concocted a story that was not true, denied being involved in a car crash, denied being in the car, and pleaded guilty to a lesser charge indicating Appellant acknowledged committing misconduct. Tyler stated serious dishonesty impairs relationships with Anaheim Police and impaired Appellant as a witness, Appellant colluded with [redacted] and Appellant took the lead in evading responsibility. Appellant lied when interviewed by I.A.B. Tyler didn't think it odd that [redacted] didn't call for medical assistance as Appellant denied being in the accident. Appellant's termination was consistent with Department action in other cases. Tyler stated the Department has a zero tolerance policy for lying.

Parra relieved Appellant of duty May 6, 2013 for this incident but Appellant was restored to standard duty effective May 20, 2014 on the recommendation of Captain Vincent Callier with Chief Parra's concurrence. (See Appellant's Exhibit #E for Return to Standard Duty Correspondence.) Deputies are generally relieved of duty when there is a serious allegation of misconduct and returning is a liability, and harm to the public is a high likelihood. This is the Captain's decision with notification to Chief. An employee might be called back or assigned

another position with the Assistant Sheriff's approval if it's discovered there was not a serious violation.

Lieutenant Sheriff Justin Diez was assigned to the Appellant's I.A.B investigation May or June 2014. (See Appellant's Exhibit # N Investigator's Log and Department's Exhibit #4 Investigative Summary.) Diez recalled [redacted] had a very detailed police report. The I.A.B. report states [redacted] heard Appellant deny being in the crash and that two other deputies were in the car. But in the hearing testimony [redacted] said he didn't actually hear any conversation between Appellant and [redacted] In [redacted] I.A.B. report he says 'he heard that he had basically denied being in the crash......' Diez testified Appellant stated he wrote a memo and turned it into operations. Appellant didn't have a copy of the memo. Appellant might have been told he didn't need to turn it in and verbal communication was O.K. Although it is not Diez job to make disciplinary determinations, Diez attended Appellant's Case Review. Chief Parra made the presentation as is usual. Diez didn't remember if suspension or mitigating factors were discussed, but they usually are. Chief Parra disagreed with the recommendation of discharge but Diez doesn't remember the specifics. Parra's demeanor was professional and there was nothing unusual. Diez didn't remember any Case Review discussion of intoxication.

Ralph Ornelas, Commander of Twin Towers, recommended Appellant's discipline to the Chief and attended Appellant's Case Review. He thought a 20 to 25 day suspension was the appropriate discipline as the witness statements were not confirmed, there had been questionable language and misunderstandings of what was being asked, holes in [redacted] story, and [redacted] had an obligation to dig deeper. Ornelas testified two officers could have interviewed Appellant

to confirm his statements and denials. Based on the pictures of the crashed car, one would expect the police to call for medical treatment or at least ask the Deputies if they were injured. Ornelas didn't believe Appellant intentionally lied. Ornelas testified to a discussion before the Case Review in which a number of people indicated they didn't believe this case warranted discharge. The case review was about 45 minutes to an hour. Parra presented. There was nothing unusual in the Case Review. Parra was well prepared and factual, not emotional. Discharge was decided, as they believed Appellant lied to Anaheim Police, gave false and misleading statements, and was uncooperative in the I.A.B investigation. While Ornelas thought a 20 to 25 day suspension was appropriate for general behavior and embarrassment to the Department, he agreed Appellant demonstrated a lack of integrity, which threatens trust, invokes the Brady Consensus, and compromises a Sheriff's testimony in Court. Brady is essential in the job.

Orrnelas lived across the street from Appellant's family for 15 years and Appellant played with his children. Ornelas never supervised him. Ornelas testified Appellant was hard working, very respectful, had a tight family. Appellant's father worked for Ornelas. Orenals advised Appellant to plea to 148.

Sean O'Donoghue, Sergeant I.R.C. was Appellant' supervisor. O'Donoghue characterized Appellant as an outstanding, hard working employee. He testified Appellant approached him wanting to report an incident where he was a passenger in a car crash and his fellow deputy, [redacted] was arrested. O'Donoghue testified that same day Appellant gave him a 1 to 2 page memorandum and the same verbal report on the incident and his drinking. O'Donoghue called Lieutenant Kelly Porowski and told her Appellant had given a memo on the

accident but Porowski said he didn't need a memo. The I.A.B. Report (Department's Exhibit 4 page 10 states Porowski 'stated there was a consensus of IRC supervisors that they could not order an employee to provide a statement on a criminal matter.') O'Donoghue either gave Appellant's memo to Porowski or put in the operations box. (Department's Exhibit # 29 dated April 15, 2013 is a memo at 402 hours, from Captain Chuck Atuna to Alexander Yim regarding [redacted] being in an accident but doesn't mention's Appellant's involvement in the crash. The memo states Deputy [redacted] was en-route to Appellant's house when he crashed. Appellant 'heard the collision (which was one house away) and went outside to find [redacted] at the scene of the collision.' He waited with Deputy [redacted] for the arrival of the Anaheim Police.) O'Donoughue says he might have been the source of the information for this memo. Appellant was next to [redacted] who had called the Department, talked to Serrano, and notified them what had happened.

[redacted] Sergeant Major Crimes Sheriff, supervised Appellant for 6 months from July 2010 to Jan 2011 and testified Appellant was mature, followed directions, and was a peer leader. Bryan Sirkel, Sergeant, worked with Appellant and supervised him from Sept 2012 until July 2014. Sirkel testified Appellant was outstanding, hard working, knowledgeable, and calm. Sirkel did Appellant's Performance Evaluation ending April 10, 2013 rating Appellant as Outstanding. (See Appellant's Exhibit # A.)

Jason Lustig, L.A. County D.A, testified regarding Brady compliance stating the Brady Compliance Unit keeps track of misconduct of L.A. County Peace Officers. He described the focus on misconduct that bears on honesty and could impeach evidence or credibility of a Sheriff

as a witness. This can have an impact on prosecutions in cases that try to avoid compromised witnesses and thus impact essential duties of Sheriffs as witnesses. The charges against Appellant in this case trigger Brady.

Appellant testified he was scheduled to work the night of April 14, 2013 but was given the night off by his supervisor to mourn the suicide death of his friend and colleague, [redacted] whom he had worked with his entire 8 years with the Department. He knew he would be drinking so he was picked up. He went to the Tilted Kilt in Anaheim, ten minutes from his house. He went with [redacted] and met [redacted] Appellant had 3 to 5 16-ounce beers and 1 or 2 shots of Jack Daniels. They arrived at about 9 p.m. and left about 1 to 2 hours later. They didn't eat anything. They then went to Canyon Inn and met Appellant's [redacted] and [redacted] Carson didn't go. [redacted] drove. They had two pitchers of beer and 3 to 5 shots of Jack Daniels. They left about 2 a.m. Appellant stated he was about 7 to 8 on a 1-10 scale of intoxicated. He didn't know how much [redacted] drank. He didn't have any concerns about [redacted] driving. [redacted] drove the 1 to 2 miles to Appellant's house and Appellant fell asleep on the way. [redacted] crashed as he popped the clutch pulling into Appellant's driveway. Appellant realized he was pinned down and the car door wouldn't open. He broke the passenger side window and crawled out. (See Department's Exhibit #13 for photos of the accident.) He ran from the car and went though the debris confused, scared, dizzy, and sick to his stomach. He got his keys and opened his garage then got the key to his house. [redacted] kept saying he was sorry....are you O.K.? They talked in front of his house in the street and were maybe a little loud in the cul de sac. Appellant stated he never told [redacted] they needed to get their stories straight.

Appellant went into the house to tell his wife, assure her, and threw up. He saw a cut on his face below the left eye and a little blood. His 5-month-old daughter was crying. He testified he was not trying to flee from the accident. Officer [redacted] and [redacted] both knocked at the door and [redacted] asked if they knew anything about the accident. Appellant testified he said 'yes we do.' Appellant told [redacted] they were both 'deuced.' They showed [redacted] their badges. Appellant said the car belonged to [redacted] who was in Huntington Beach. Then [redacted] went with [redacted] into the garage and Appellant went to the end of his driveway with [redacted]. [redacted] said: 'Look, I don't care where you work. I don't care if you think you are a bad ass, you L.A. County boys, just cuz you work in Compton.' [redacted] didn't want them telling him how to do his job. He asked who was in the car. Appellant testified he said 'we were'. [redacted] pointed to [redacted] and said if [redacted] tells him anything different 'You're screwed.' [redacted] asked again who was in the car and Appellant said: 'we were.' [redacted] shook his head and went into the garage. There was another officer with Appellant. [redacted] then came back, speed walking, upset and frustrated saying: "You L.A. County boys are out of control' and something about a 31 VC. [redacted] said he had taken police officer's jobs before and had no problem doing it. He will take as many days off as he has no problem taking people's job. He said Appellant was screwed and there was no room in the law enforcement family for people like him. [redacted] said it is people like Appellant who gives cops a bad name. [redacted] pointed right in Appellant's face saying he was a liar. Appellant stated he was upset and scared. Appellant stated he had worked his whole life for that job and he was still feeling the effects of the alcohol. [redacted] never asked about injuries or offered to call a doctor. [redacted] asked him to take off his shirt. [redacted] mentioned seat

belt marks on Appellant's shoulder. Appellant got upset and frustrated, looked around and said: [redacted] really am I driving the car?" [redacted] didn't answer. Appellant could see him. [redacted] was next to [redacted] and the other officer was 5 to 10 feet away. Then a Sergeant arrived on the scene. [redacted] got upset and took a step toward Appellant. [redacted] pointed at the ground and said sit down. There was a puddle so Appellant asked if he could sit a few feet away. [redacted] said: 'Where the F___ did I tell you to sit?' So Appellant sat in the water. [redacted] said: 'You are a F______ liar' and he shouldn't have to deal with that shit. [redacted] shooed him away. Appellant went back into the house. Sergeant [redacted] handed Appellant two guns and a uniform 'war bag' but never asked if Appellant was in the car or about any injuries. Appellant then went to help the [redacted] clean up. They were upset. Appellant told them he was sorry, was home all day B-B Q- ing, drinking, went to a bar a little while, and this is what happened. Appellant testified he never told [redacted] he was not in the car.

Appellant wasn't scheduled to work the morning but went to work later the in the p.m. and told Sean O'Donoghue, [redacted] was arrested for a DUI and Appellant was in the car. Appellant prepared a two-page memo according to Department policy if you have any interaction with outside agency. O'Donoghue later told Appellant the executives didn't want it. Appellant didn't know what happened to the memo. He didn't keep a copy.

A criminal complaint was filed May 16, 2013 alleging Appellant violated Section 31 of Vehicle Code, as misdemeanor, by willfully and unlawfully giving false information to a peace office (See Department's Exhibit # 7 page 61.) He pleaded guilty to 148 (a)(1). Appellant testified he was told by his dad, who was told by Parras, 148 (a)(1) was not a dischargeable

offense, and would not have the same Brady implication as a VC 31. Appellant was relieved of duty two weeks after the incident and moved to the records unit. He was back to full duty two days after his plea.

Appellant testified he did not lie or withhold any information from the Anaheim police officer and was truthful in his I.A.B interview. Appellant testified he didn't tell [redacted] he took a cab home. He thought [redacted] was trying to find out if he was the driver. He never called out to [redacted] that he was not the passenger, nor did he'd say he had been in the garage or [redacted] was in the driveway at the time of the collision. Appellant stated initially he did not tell [redacted] was driving the car but they had not agreed to cover up their involvement. Appellant disputes [redacted] testimony that he denied involvement in the accident, that he called out to [redacted] that he was not a passenger in the car. He was apologetic.

Two months after Appellant bought their house, their dog dug a hole under the fence and their dogs got in a fight resulting in severe injuries. Appellant bought a gift basket for the dog.

Department Manual states 3-01/040.85 Cooperation During Criminal Investigation: 'members have a duty to cooperate with investigators ....who are conducting a criminal investigation. They shall make full, complete, and truthful statements ..........Failure to cooperate may subject the member to administrative discipline. 3-001/040.76 Obstructing an Investigation/Influencing a Witness: 'Employees shall not take any action that could interfere with, delay, obstruct, distort or unduly influence any investigation. Any employee who knowingly gives false evidence, withholds evidence, or interferes in any way, during such an investigation, or requests or encourages another to do so, shall be deemed to have obstructed the

investigation.' 3-01/030.05 General Behavior: 'A member shall not act or behave privately or officially in such a manner as to bring discredit upon himself or the Department.' 3-01/040.75 Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations: 'If requested to make a statement in the course of an official Department internal investigation, members shall make full, complete and truthful statements. Failure or refusal to make statements, or making false statements during Department internal investigations, may result in disciplinary action.'

[redacted] was hired December 2008 by the Department and made Deputy Sheriff in 2012. He had worked with Appellant 5 or 6 years. [redacted] stated he didn't feel the effects of the alcohol the night of the incident. [redacted] supported Appellant's assertion Officer [redacted] and [redacted] asked if they knew anything about the collision and Appellant said yes. However, [redacted] then testified he told [redacted] and [redacted] he took a cab, which seems inconsistent. [redacted] never heard Appellant say he was in a taxi. He testified Appellant never said 'let's get our stories straight.'

He testified Appellant was highly intoxicated but could walk and talk. [redacted] stated he drove his brothers new stick shift Mazda and left his own car at the bar less than two miles away. Maneuvering into the driveway he popped the clutch, and hit the neighboring car, rolled over flipped, and landed. He exited the window of the car and smelled burning and smoke. [redacted] kept claiming he messed up. Appellant tried to calm him down. [redacted] stated he was nervous, scared, and amazed they were able to walk away from the crash. They didn't feel it was necessary to call 911 for medical attention.

[redacted] had a beer in Appellant's garage. [redacted] asked for I.D. They showed their badges and said they were both deuced. The officers asked whose vehicle it was. [redacted] and Appellant both pointed to [redacted] and said it was his little brother's. [redacted] asked where his [redacted] was and he replied in Huntington Beach. [redacted] asked what happened and [redacted] said he said he and Appellant were in a cab and gave the car keys to his [redacted] who gave the keys to his buddies who he ran into at the bar and they drove the car home. [redacted] came into the garage and asked questions. [redacted] asked if [redacted] took a cab. [redacted] said he did. [redacted] asked if he called the cab and [redacted] said no the bartender did. He asked how [redacted] paid. [redacted] said he thought [redacted] was lying and he had already had two deputies fired for lying and now was his chance. [redacted] apologized and then told the truth. [redacted] arrested him for a DUI with blood alcohol of .17. [redacted] pleaded guilty to the DUI. (See Department's Exhibit #31, [redacted] was interviewed as part of Appellant's I.A.B. investigation June 30, 2014.)

[redacted] also testified in his own Civil Service Hearing regarding this incident. A partial transcript was marked as Department's #33 at Appellant's hearing and submitted after the hearing closed. I am receiving the entire portion of [redacted] transcript from his Civil Service Hearing Case Number 15-95 into evidence as of this date. However, I am relying on the testimony that [redacted] gave in Appellant's hearing.

## DISCUSSION

Many of the facts of this case are undisputed. Appellant was an outstanding Deputy Sheriff tenured from 2007. Appellant was a passenger in a car driven by his friend and colleague that had a serious collision on the night of April 15, 2013. Appellant and his friend had been out

drinking heavily, with time off from work specifically granted by his supervisor to grieve the very recent suicide death of their colleague. Appellant took certain responsible steps as in not driving himself when he knew he would be drinking, and reporting the incident the next day to his supervisor.

There is disputed testimony regarding what happened after the collision. The Anaheim police were called to investigate the collision. Approximately 20 minutes elapsed between the time of the collision and Anaheim Police arriving during which time neither Appellant nor [redacted] reported the accident. The investigating officer, [redacted] testified he had to knock on Appellant's door to try to find out who was responsible and that neither Appellant nor [redacted] were forthcoming. [redacted] states he asked repeatedly who was in the car, who was driving, who was a passenger, where they were when the accident happened. Appellant lied to him telling [redacted] he had taken a cab home from the bar, repeatedly denying he was in the car, or that he knew about the accident or how it happened, and that he was in the garage when the accident happened and [redacted] was in the driveway. [redacted] testified he gave Appellant multiple chances to tell the true story and warned Appellant that lying and impeding an investigation was a serious crime. [redacted] maintains he was just doing his job, while admitting it was a little frustrating not getting cooperation. [redacted] wrote a very detailed police report on the collision and his investigation.

Another Anaheim police officer, [redacted] was with [redacted] at Appellant's front door asking if they knew who was involved in the accident and he testified they said no. [redacted]

doesn't recall exactly what was asked at the door or who said they were not involved. [redacted] didn't hear any other communication between Appellant and [redacted]

Two neighbors, [redacted] and [redacted] corroborated portions of the deceit. [redacted] heard Appellant talking with [redacted] saying they had to get their stories straight, but only heard bits and pieces. Even though he did not hear completely, what he reportedly heard conforms to what [redacted] reported. He has no reason to make up that evidence. Appellant told [redacted] he was not involved in the collision that he was home all day in his garage. She also corroborated exactly [redacted] report of hearing Appellant call out to [redacted] in front of [redacted] that he wasn't a passenger in the car, confirming what [redacted] said. [redacted] was the injured party. She talked with Appellant face to face and was sober. Appellant argues [redacted] failed to mention hearing interaction between [redacted] and Appellant in her initial I.A.B. interview. I rely on her testimony under oath at the hearing. The fact that they had a slight neighborly incident about their dogs in the past, which she stated she had let go and was smoothed over by a doggie gift basket, would not compromise her first hand testimony under oath.

Appellant has a different version of the events essentially arguing there was miscommunication or misunderstanding, and that he did not intentionally lie. He was admittedly intoxicated and shaky from the serious accident he had just been in. He argues [redacted] was particularly aggressive. Additionally, the Anaheim police did not take usual and seemingly appropriate steps to verify [redacted] assessment of Appellant's lying and obstructing the investigation. The other officers on the scene could have been used to corroborate Appellant's denial of involvement. Any of the officers could have called for further help and medical

assistance. Anaheim Sergeant [redacted] was already called to the scene as a supervisor. He could have dug deeper into the allegations, especially since it involved other peace officers. Some of the incriminating evidence is really [redacted] word against Appellant's.

Appellant did file a motion for an in camera review to determine if there were any complaints or disciplinary actions against [redacted] for falsifying police reports. There were none. [redacted] was highly praised as one of the best traffic and collision officers. He is very experienced. And he was not intoxicated. Therefore, I find him a more credible reporter of the events of that evening. The other officer, [redacted] heard some version of denial of involvement from Appellant and [redacted] that corresponds to [redacted] Even though there are slight concerns about the testimony of the two neighbors, their testimony is consistent with [redacted] There is very little reason to believe they could or would fabricate essentially the same story.

Thus I find the evidence supports the allegations that Appellant provided false statements to Anaheim police officers during the time of the incident, obstructing an investigation and violating standards of general behavior. He extended the time and resources used by the Anaheim police.

Since I find allegations against Appellant regarding his behavior of lying and obstructing on the night of the incident are true, therefore subsequent statements he made during the I.A.B investigation denying those false statements are also untrue and compound his offense.

Lying or making false statements is serious. Appellant testified he was aware of the Brady implications when he was charged with untruthfulness. Lying undermines Appellant's ability to do his job and to provide testimony in court. We do not need to consider the testimony

of the District Attorney to conclude that Appellant's credibility is compromised and compromises the integrity of the Department and harms the public trust. Appellant's actions violated Department core values.

The process by which the Department made the decision to discharge also seems appropriate. Appellant's case was presented to the Case Review. While participants had varying opinions, there was a consensus reviewed by the Sheriff. The fact that Case Review members had different opinions about the severity of Appellant's violations and the appropriate discipline doesn't taint the process nor conclusion. It is part of the dialogue. A number of experienced officers (including Parra) made a compelling case for a 30 day suspension instead of discharge which would have saved this Deputy's job and given him another chance to learn a valuable lesson. Appellant argues the 'true decision maker' (Parra) believed discharge was not appropriate, and that executives intentionally hid his opinion. Yet Parra testified under oath at the hearing that he had ambivalent feelings, considered a suspension, but willingly signed the disposition with discharge. The Chief, Parra, who would normally conduct the Skelly hearing was very close with Appellant's father. It seems admirable the Department is sensitive to that potential implicit bias and took appropriate steps to ensure the process, decision, and review is free of any extraneous considerations. Appellant argues Department Guidelines for Discipline do not require discharge, yet they certainly allow discharge.

The evidence indicates this was a fine young Deputy who made a mistake with severe consequences. There is some possibility that there were mitigating factors. He was in a compromised state for understandable humane reasons of grieving a colleague. Because he had

too much to drink, he was additionally compromised and probably confused or distracted. He had a severe accident that left him shaken. It is also plausible that he did misunderstand the question asked of him thinking he was asked if he was the driver, which he wasn't. He argues he did not intentionally provide false statements, that there is a difference between a lie and a mistake. His intoxication and trauma impacted his ability to recall. Appellant volunteered he was intoxicated indicating his intention to be forthright. I find it credible, as verified by his Sergeant, that he reported the incident and his involvement the very next day even though there is no physical memo. So if he lied it was for a short period of time and he subsequently behaved responsibly. There is a possibility that [redacted] was aggressive which might have further scared or muted Appellant, that [redacted] couldn't hear correctly or that what he heard was out of context and that [redacted] had some prior feelings based on their dogs that prejudiced her testimony.

Appellant argues this one instance is an anomaly and Appellant has been self-reflective and given believable assurances this behavior would not reoccur.

Nevertheless a good employee made an unfortunate mistake. His diminished state of intoxication resulted from his own choices. He drank too much, he got into a car with a drunken friend who drove, he put himself in a compromising situation, and he succumbed to understandable but unprofessional lack of clarity and truthfulness in a difficult trying moment. Those moments test character. While human to be scared and try to dodge the consequences of one threatening mistake, he did take an oath as a Peace Officer and is held to the higher standard. It is perhaps such exact trying moments that call for the mettle to act with grace and dignity. Whatever the misunderstanding, Appellant did not volunteer or even respond with truthful

complete information to reveal what happened. He certainly could have and should have proactively stepped forward to tell what he knew. He was not being disciplined for being intoxicated or even being in the serious collision.

Appellant argues his 148 plea is not an admission that he provided false statements. It is an admission that he delayed resisted or obstructed an investigation. This discharge is not based on Appellant's plea but his prior actions. Appellant argues he had no reason to lie, as he had no criminal liability for simply being a passenger in the car. But the potential consequences for his job, the predicament he was in with intoxication, leaving the scene of an accident, general behavior, certainly could have motivated him to avoid responsibility.

Appellant argues his statements to I.A.B. were based on his recollection of the incident and were not false statements. That might be, but they were contradictory to his statements the night of the incident so one set of statements were not truthful or complete.

Appellant argues the Department's investigation was insufficient to sustain a discharge. Specifically there were 13 pages missing from the police report (most probably photos), no attempt by the I.A.B investigators to get the car logs, tape recording of radio traffic, Sergeant [redacted] report, or to contact all relevant witnesses, or contact witnesses in a timely manner. The Department didn't ask penetrating questions regarding the incidents of April 15, 2013 and this haphazard investigation was revealed by different testimony at the hearing. However the purpose of the Civil Service hearing is to gather all the evidence and we rely on the evidence elicited at the hearing.

(The Appellant offers an example of the investigatory discrepancies. The I.A.B interview summary by Sergeant Diez of his interview with Sergeant [redacted] incorrectly stated [redacted] heard Appellant deny being in the crash. But [redacted] testimony at the hearing was that he did not hear any of Appellant's statements but simply was told of them by [redacted] That is the evidence relied on.)

Appellant argues the Department violated Appellant's due process Skelly rights by deliberately depriving Appellant of notice of all the reasons for his discharge. Specifically Assistant Tyler testified that Brady ramifications of the allegations warranted discharge but that allegation was not included in Department's documents including Letters of Intent and Discharge. However Tyler was testifying as to the implications of the allegations that were contained in Department documents: failure to make complete and truthful statements and making false statements. Specifically Tyler was answering a question by Appellant's counsel as to what the implications were for Appellant pleading guilty to a charge of violating 148. Tyler responded that it confirms dishonesty, which impairs public trust and impairs Appellant as a witness a la Brady. Brady wasn't the reason for the discharge, it was one of the many unfortunate consequences flowing from false statements. The allegations revealed to Appellant (in due process) were the stated allegations of false statements, which have many implications. All parties know that these allegations encompass Brady. Additionally Appellant argues Tyler stated at the hearing a concern about Appellant's negative influence on fellow Deputy Cisneros in taking the lead in evading responsibility but I find that is subsumed in the allegations in Department documents. Tyler's issues were considerations flowing from the original allegations

contained in the March 18, 2015 letter of discharge and were not separate and distinct. Appellant testified he was aware of the Brady implications when he was charged with untruthfulness. So Appellant was fully apprised. He did have the opportunity to proactively address these issues. I do not find any due process violations. The Department's letter of discharge, March 18, 2015, contained all of the charges against Appellant on which his discharge was based. The letter of discharge noticed Appellant of his discharge for lying, general behavior, and making false statements. Any negative influence on Appellant's colleague, [redacted] or unfortunate Brady implications, flow as consequences from the allegations clearly stated in Appellant's letter of discharge.

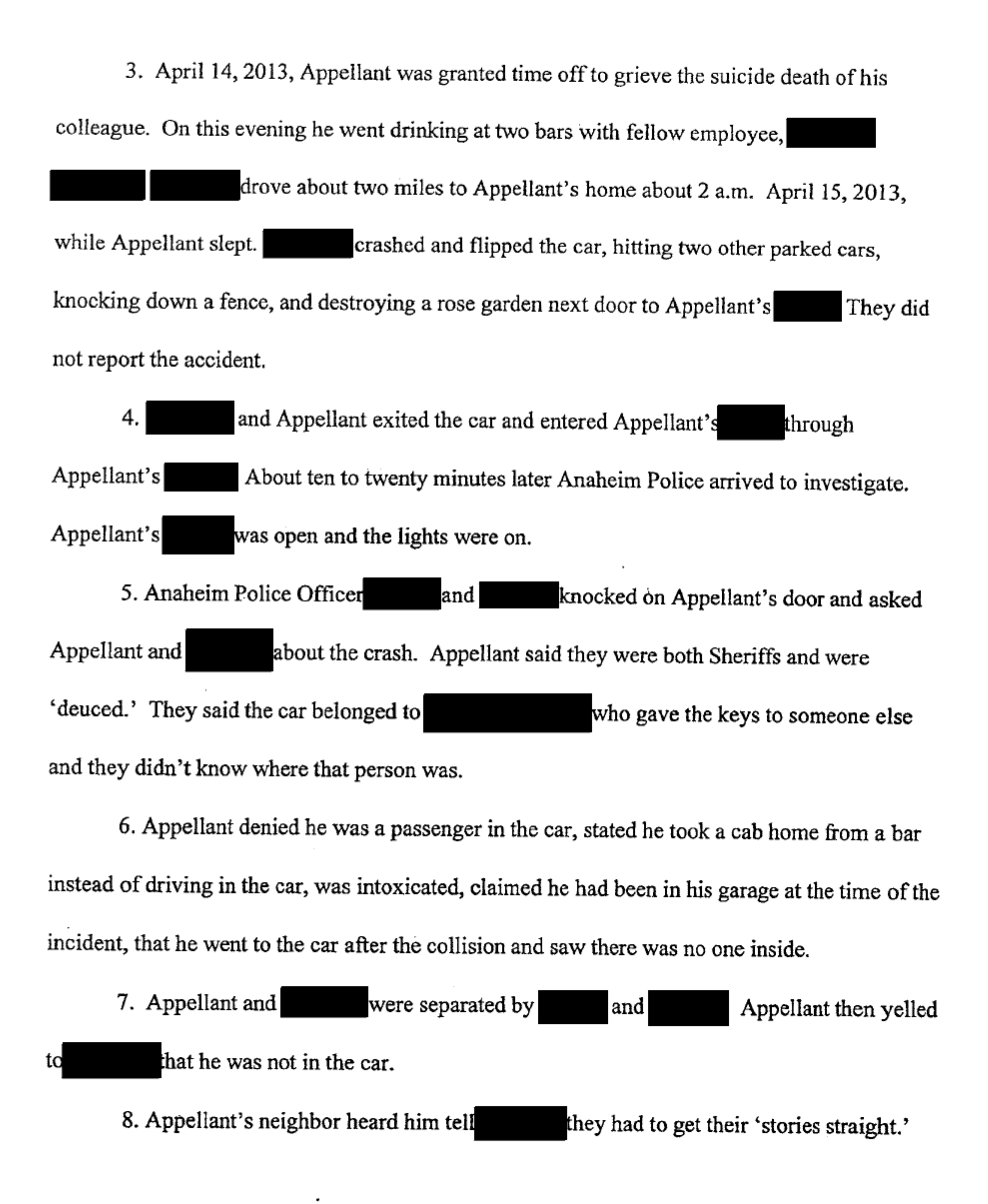
Thus I find Appellant violated Department standards of General Behavior, Cooperation During Criminal Investigations, Obstructing An Investigation, and Making False Statement during an Internal Investigation. The discipline of discharge is appropriate.

Additionally I find no violation of Appellant's due process rights.

## FINDINGS OF FACT

1. Appellant has been employed as a Deputy Sheriff with Los Angeles County Sheriff's Department since 2007. He was a respected employee whose last Performance Evaluation was Outstanding. He had several commendations.

2. Appellant had received one minor written reprimand from February 26, 2013 for violation of Manual of Policy and Procedures: Safeguarding Money, Property, and Evidence and; Performance of Standards.



3. April 14, 2013, Appellant was granted time off to grieve the suicide death of his colleague. On this evening he went drinking at two bars with fellow employee, [redacted] [redacted] [redacted] drove about two miles to Appellant's home about 2 a.m. April 15, 2013, while Appellant slept. [redacted] crashed and flipped the car, hitting two other parked cars, knocking down a fence, and destroying a rose garden next door to Appellant's [redacted] They did not report the accident.

4. [redacted] and Appellant exited the car and entered Appellant's [redacted] through Appellant's [redacted] About ten to twenty minutes later Anaheim Police arrived to investigate. Appellant's [redacted] was open and the lights were on.

5. Anaheim Police Officer [redacted] and [redacted] knocked on Appellant's door and asked Appellant and [redacted] about the crash. Appellant said they were both Sheriffs and were 'deuced.' They said the car belonged to [redacted] who gave the keys to someone else and they didn't know where that person was.

6. Appellant denied he was a passenger in the car, stated he took a cab home from a bar instead of driving in the car, was intoxicated, claimed he had been in his garage at the time of the incident, that he went to the car after the collision and saw there was no one inside.

7. Appellant and [redacted] were separated by [redacted] and [redacted] Appellant then yelled to [redacted] that he was not in the car.

8. Appellant's neighbor heard him tell [redacted] they had to get their 'stories straight.'

9. Appellant told another [redacted] whose cars, fence, and rose garden, were damaged in the collision, that he was in his garage all day drinking and B-B-Qing, and had nothing to do with the accident.

10. Appellant delayed the accident investigation approximately twenty minutes by his failure to disclosure his involvement in the accident and that he was a passenger in the car when it crashed. [redacted] then confessed to their involvement after being repeatedly confronted by Anaheim Police.

11. [redacted]

12. Anaheim Police Officer, [redacted] filed a Traffic and Collision Report April 15, 2013.

13. April 15, 2013, Appellant called his supervisor, O'Donoghue, and reported he was a passenger in a car involved in this accident. Appellant wrote a memo to this effect and gave it to O'Donoghue who told Appellant the memo was not needed. Appellant did not keep a copy of the memo nor did O'Donoghue.

14. Appellant pleaded guilty to Penal Code Section 148 (a) (1), May 12, 2014.

15. Appellant was relieved of standard duty May 6, 2013 and restored to standard duty May 20, 2014.

16. Appellant made false or incomplete statements during his I.A.B. interview, denied he told an Anaheim Police officer he had taken a cab home, denied he told an Anaheim Police officer he was inside his garage and [redacted] was in the driveway at the time of the accident, and stated he told [redacted] he and [redacted] were inside the car at the time of the accident.

17. Chief Parra conducted Appellant's Case Review. While there was some discussion of a lesser discipline, and Parra offered mitigating factors, the unanimous decision was discharge memorialized by a unanimous disposition sheet signed February 10, 2015.

18. Terri McDonald was the decision maker, thoroughly reviewed the case file and was asked by the Executive Officer, Tyler to conduct Appellant's Skelly hearing, as Chief Parra was a close friend and colleague of Appellant's father.

19. Appellant was properly notified of all the charges against him in his letter of discharge of March 18, 2015. There was no violation of Appellant's due process (Skelly) rights. Allegations in Appellant's letter of discharge included General Behavior, Making False Statements, etc, which for a Deputy Sheriff imply issues with Brady credibility.

19. Appellant violated Department's Manual of Policy and Procedures Sections 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/040.76, Obstructing An Investigation/Influencing a Witness; and/or 3-01/030.05, General Behavior, on or about April 15, 2013, causing embarrassment to the Department, and bringing discredit upon himself and the Department. Additionally Appellant allegedly violated Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about June 30, 2014, failed to make complete and truthful statements during his IAB interview, regarding his interactions with Anaheim Police Department officers during their investigation into a traffic collision in which he was the passenger and [redacted] was the driver, which occurred on or about April 15, 2013.

20. The discipline of discharge is appropriate.

## CONCLUSIONS OF LAW

1. That Respondent met its burden of proving the allegations that Appellant violated Department's Manual of Policy and Procedures Sections 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/040.76, Obstructing An Investigation/Influencing a Witness; and/or 3-01/030.05, General Behavior, on or about April 15, 2013, causing embarrassment to the Department, and bringing discredit upon himself and the Department. Additionally Appellant allegedly violated Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about June 30, 2014, failed to make complete and truthful statements during his IAB interview, regarding his interactions with Anaheim Police Department officers during their investigation into a traffic collision in which he was the passenger and [redacted] was the driver, which occurred on or about April 15, 2013.

2. That Respondent met its burden of proof in establishing discipline of discharge was appropriate.

3. That Appellant failed to prove the Department violated the Petitioner's pre=deprivation due process rights as alleged.

## RECOMMENDATION

Respondent met its burden of proving Appellant violated Manual of Policy and Procedures Sections 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/040.76, Obstructing An Investigation/Influencing a Witness; and/or 3-01/030.05, General Behavior, on or about April 15, 2013, causing embarrassment to the Department, and bringing

discredit upon himself and the Department. Additionally Appellant allegedly violated Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about June 30, 2014, failed to make complete and truthful statements during his IAB interview, regarding his interactions with Anaheim Police Department officers during their investigation into a traffic collision in which he was the passenger and [redacted] was the driver, which occurred on or about April 15, 2013. Appellant failed to prove Department violated his due process rights.

Therefore, the duly appointed Hearing Officer respectfully recommends that the Department be sustained in the discharge.

DATED:

Respectfully submitted,

Trudi Ferguson
Hearing Officer
August 10, 2016



# County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



JIM McDONNELL, SHERIFF

March 18, 2015

Deputy Ryan Morejon, #[redacted]
[redacted]

Dear Deputy Morejon:

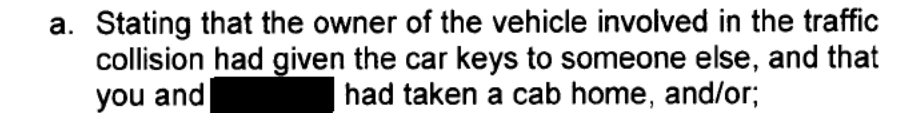
On February 19, 2015, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2339926. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff Item No. 2708A, with this Department, effective as of the close of business on March 12, 2015.

An investigation under File Number IAB 2339926, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/040.85, Cooperation During Criminal Investigation; and/or 3-01/040.76, Obstructing An Investigation/Influencing a Witness; and/or 3-01/030.05, General Behavior, on or about April 15, 2013, you, while off duty, made false and misleading statements to the Anaheim Police Department during an investigation into a traffic collision in which you were the passenger and [redacted] was the driver, denying any involvement in the traffic collision, thereby delaying and obstructing the investigation, causing embarrassment to the Department, and bringing discredit upon yourself and the Department, as evidenced by, but not limited to the following:


a. Stating that the owner of the vehicle involved in the traffic collision had given the car keys to someone else, and that you and [redacted] had taken a cab home, and/or;

b. When later asked if you and [redacted] had taken the cab together, responding that [redacted] was "behind" you, and/or;

c. When asked if you had been the passenger in the vehicle at the time of the collision, stating, "No," and/or;

d. When asked where you had been at the time of the collision, replying that you had been in your garage, and when asked where [redacted] had been, stating that [redacted] had been on the driveway, and/or;

e. Stating that after the collision occurred, you and [redacted] went to the vehicle and saw that there was no one inside, and/or;

f. Being subsequently charged with violating Section 31 of the Vehicle Code, Giving False Information to a Peace Officer, and/or;

g. Pleading guilty to Penal Code Section 148(a)(1), Delaying a Peace Officer, on May 12, 2014, in Orange County Superior Court, and being sentenced to three (3) years informal probation, and being ordered to complete eighty (80) hours of community service, and pay fines and fees.

2. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure To Make Statements and/or Making False Statements During Departmental Internal Investigations, on or about June 30, 2014, you failed to make complete and truthful statements during your IAB interview, regarding your interactions with Anaheim Police Department officers during their investigation into a traffic collision in which you were the passenger and [redacted] was the driver, which occurred on or about April 15, 2013, as evidenced by, but not limited to the following:

a. Denying that you told an Anaheim Police Department officer that you had taken a cab home; and/or that you and [redacted] had taken a cab home, and/or;

b. Stating during your IAB interview that you communicated to an Anaheim Police Department officer that you and [redacted] were inside the vehicle at the time of the traffic collision, and/or;

c. Denying that you told an Anaheim Police Department officer that you were inside your garage and [redacted] was standing in the driveway at the time of the traffic collision.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

TERRI MCDONALD
ASSISTANT SHERIFF

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

TM:EMS:DLM:jp

cc: Advocacy Unit
Terri McDonald, Assistant Sheriff, Custody Operations
Vincent E. Callier, Captain, Inmate Reception Center
Internal Affairs Bureau
Judy A. Gerhardt, Captain, Personnel Administration
Doreen Garcia, Pay and Leave Management